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EXHIBIT 1

1 UNITED STATES BANKRUPTCY COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4 Bankruptcy Case No. 19-30088 (DM)

5 _____
6 In re
7 PG&E CORPORATION
8 -and-
9 PACIFIC GAS AND ELECTRIC COMPANY,
10 Debtors.

11 _____
12
13
14
15
16 VIDEOTAPED DEPOSITION OF
17 JOHN-PAUL HENDERSON
18
19
20
21

22 DATE TAKEN: FEBRUARY 11, 2020
23 REPORTED BY: PAUL J. FREDERICKSON, CSR
24 JOB NO. 3846976
25 PAGES 1 - 227

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866 299-5127

1 UNITED STATES BANKRUPTCY COURT
 2 NORTHERN DISTRICT OF CALIFORNIA
 3 SAN FRANCISCO DIVISION
 4 Bankruptcy Case No. 19-30088(DM)
 5 _____
 6 In re
 7 PG&E CORPORATION
 8 -and-
 9 PACIFIC GAS AND ELECTRIC COMPANY,
 10 Debtors.
 11 _____
 12
 13
 14
 15
 16 Videotaped Deposition of JOHN-PAUL
 17 HENDERSON, the witness herein, held at
 18 Veritext Legal Solutions, 180 Montgomery
 19 Street, Suite 1520, San Francisco,
 20 California, at 9:37 a.m., pursuant to
 21 notice, before Paul J. Frederickson, CSR.
 22
 23
 24
 25

Page 2

1 ON BEHALF OF CAL FIRE:
 2 CALIFORNIA DEPARTMENT OF JUSTICE
 3 Office of the Attorney General
 4 1300 I Street
 5 P.O. Box 944255
 6 Sacramento, CA 94244-2550
 7 916.210.7804
 8 BY: KELLY A. WELCHANS, ESQ.
 9 Kelly.Welchans@doj.ca.gov
 10
 11 ON BEHALF OF THE UNITED STATES AND FEMA:
 12 US DEPARTMENT OF JUSTICE
 13 Civil Division
 14 Commercial Branch
 15 1100 L Street, N.W.
 16 Washington, D.C. 20004
 17 202.305.2419
 18 BY: MICHAEL TYE, ESQ.
 19 Michael.Tye@usdoj.gov
 20
 21
 22
 23
 24
 25

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1 APPEARANCES
 2
 3 ON BEHALF OF THE OFFICIAL COMMITTEE OF
 4 TORT CLAIMANTS:
 5 BAKER HOSTETLER LLP
 6 Key Tower
 7 Suite 2000
 8 127 Public Square
 9 Cleveland, OH 44114
 10 216.621.0200
 11 BY: ERIC GOODMAN, ESQ.
 12 egoodman@bakerlaw.com
 13
 14 BAKER HOSTETLER LLP
 15 SunTrust Center
 16 Suite 2300
 17 200 South Orange Avenue
 18 Orlando, FL 3802-0112
 19 407.649.4092
 20 BY: DANIELLE L. MEROLA, ESQ.
 21 dmerola@bakerlaw.com
 22
 23
 24
 25

Page 3

1 ON BEHALF OF CALIFORNIA GOVERNOR'S OFFICE
 2 OF EMERGENCY SERVICES:
 3 [Appearing via telephone]
 4 CALIFORNIA DEPARTMENT OF JUSTICE
 5 Deputy Attorney General
 6 Office of the Attorney General
 7 Business & Tax Section
 8 300 South Spring Street
 9 Suite 1702
 10 Los Angeles, CA 90013
 11 213.269.6000
 12 BY: MATTHEW C. HEYN, ESQ.
 13 Matthew.Heyn@doj.ca.gov
 14
 15 ON BEHALF OF THE AD HOC COMMITTEE OF
 16 SENIOR UNSECURED NOTEHOLDERS:
 17 [Appearing via telephone]
 18 AKIN GUMP STRAUSS HAUER & FELD
 19 580 California Street
 20 Suite 1500
 21 San Francisco, CA 94104-1036
 22 415.765.9506
 23 BY: DANIELLE CROCKETT GINTY, ESQ.
 24 dginty@akingump.com
 25

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<p>1 ON BEHALF OF PG&E: 2 [Appearing via telephone] 3 CRAVATH, SWAINE & MOORE LLP 4 Worldwide Plaza 5 825 Eighth Avenue 6 New York, NY 10019 7 212.474.1279 8 BY: SOPHIA GENTEL, ESQ. 9 sgentel@cravath.com</p> <p>10</p> <p>11 ON BEHALF OF THE AD HOC SUBROGATION GROUP: 12 [Appearing via telephone] 13 WILLKIE FARR & GALLAGHER LLP 14 787 Seventh Avenue 15 New York, NY 10019-6099 16 212.728.8858 17 BY: VICTORIA A. SHEETS, ESQ. 18 vsheets@willkie.com</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 INDEX 2 3 JOHN-PAUL HENDERSON 4 By Mr. Goodman: 16 5 By Mr. Vora 212 6 7 Request for information: None 8 Request for documents: None 9 10 INDEX TO EXHIBITS 11 12 EXHIBIT 1 23 13 Amended Notice of Deposition 14 15 EXHIBIT 2 39 16 US GAO Report to Congressional 17 Requesters, Wildfire Disasters, 18 FEMA Could Take Additional Actions 19 to Address Unique Response and 20 Recovery Challenges 21 22 EXHIBIT 3 57 23 Proof of Claim re 2017 Northern 24 California Fires Costs 25</p>
Page 6	Page 8
<p>1 ON BEHALF OF THE OFFICIAL COMMITTEE OF 2 UNSECURED CREDITORS: 3 MILBANK LLP 4 1850 K Street, N.W. 5 Suite 1100 6 Washington, DC 20006 7 202.835.7544 8 BY: SAMIR VORA, ESQ. 9 Special Counsel 10 svora@milbank.com</p> <p>11</p> <p>12 ALSO PRESENT: 13 BRANDON MILLER 14 Videographer</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 EXHIBIT 4 75 2 Proof of Claim re Butte Fire Costs 3 4 EXHIBIT 5 82 5 Proof of Claim re Camp Fire Costs 6 7 EXHIBIT 6 88 8 United States' Response to Official 9 Committee of Tort Claimants' First 10 Set of Interrogatories 11 12 EXHIBIT 7 106 13 CAL FIRE News Release 4-28-16, CAL 14 FIRE Investigators Determine Cause 15 of Destructive Butte Fire 16 17 EXHIBIT 8 117 18 CAL FIRE News Release 5-15-19, CAL 19 FIRE Investigators Determine Cause 20 of Destructive Camp Fire 21 22 23 24 25</p>
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1 EXHIBIT 9	126	1 EXHIBIT 20	177
2 CAL FIRE News Release 6-8-18,		2 "Debris Removal Right of Entry	
3 CAL FIRE Investigators Determine		3 Form Deadline, 11/13"	
4 Causes of 12 Wildfires in Mendocino,		4	
5 Humboldt, Butte, Sonoma, Lake, and		5	
6 Napa Counties		6	
7		7	
8 EXHIBIT 10	130	8	
9 The Liberty Consulting Group 5-6-13		9	
10 Study of Risk Assessment and PG&E's		10	
11 GRC		11	
12		12	
13 EXHIBIT 11	133	13	
14 12-22-14 CPUC letter re Audit of		14	
15 PG&E's North Valley Division		15	
16		16	
17 EXHIBIT 12	140	17	
18 Public Utilities Commission Order		18	
19 Instituting Investigation into the		19	
20 Creation of a Shared Database or		20	
21 Statewide Census of Utility Poles		21	
22 and Conduit		22	
23		23	
24		24	
25		25	
	Page 10		Page 12
1 EXHIBIT 13	144	1 FEBRUARY 11, 2020	09:32:15
2 3-29-17 Public Utilities Commission		2 [9:37 a.m.]	09:32:17
3 Public Incident Investigation Report		3 THE VIDEOGRAPHER: Good morning.	09:37:16
4		4 We're going on the record at 9:37 a.m.	09:37:16
5 EXHIBIT 14	147	5 on February 11, 2020.	09:37:23
6 11-8-19 Public Utilities Commission		6 Please note the microphones are	09:37:25
7 Public Incident Investigation Report		7 very, very sensitive and may pick up	09:37:26
8		8 whispering, rubbing of the clothing,	09:37:28
9 EXHIBIT 15	149	9 hair and microphone cable.	09:37:30
10 4-30-19 Public Utilities Commission		10 Please silence all cell phones	09:37:33
11 Public Incident Investigation Report		11 and place them away from the	09:37:34
12		12 microphones as they can interfere with	09:37:35
13 EXHIBIT 16	151	13 deposition audio.	09:37:38
14 5-2-19 Public Utilities Commission		14 Audio and video recording will	09:37:39
15 Public Incident Investigation Report		15 continue to take place unless all	09:37:43
16		16 parties agree to go off the record.	09:37:45
17 EXHIBIT 17	156	17 This is media number 1 of the	09:37:46
18 11-12-18 FEMA Initial Notice		18 video-recorded deposition of John-Paul	09:37:48
19		19 Henderson taken by counsel in the	09:37:53
20 EXHIBIT 18	163	20 matter of In re PG&E Corp. and Pacific	09:37:54
21 9-22-15 FEMA Initial Notice		21 Gas and Electric Company filed in	09:38:01
22		22 United States Bankruptcy Court,	09:38:03
23 EXHIBIT 19	165	23 Northern District of California,	09:38:04
24 10-10-17 FEMA Initial Notice		24 San Francisco Division, Bankruptcy	09:38:06
25		25 Case Number 19-30088 (DM).	09:38:10
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<p>1 This deposition is being held at 09:38:17 2 180 Montgomery Street, Suite 1520, 09:38:18 3 San Francisco, California 94104. 09:38:23 4 My name is Brandon Miller, from 09:38:25 5 the firm Veritext Legal Solutions, and 09:38:29 6 I'm the videographer. The court 09:38:31 7 reporter is Paul Frederickson, from 09:38:32 8 the firm Veritext Legal Solutions. 09:38:34 9 I am not related to any matter 09:38:37 10 in this action, nor am I financially 09:38:39 11 interested in the outcome. 09:38:41 12 Counsel and all present in the 09:38:42 13 room, and everyone attending remotely, 09:38:43 14 will now state their appearances and 09:38:45 15 affiliations for the record. 09:38:47 16 MR. GOODMAN: Eric Goodman, 09:38:48 17 Baker Hostetler. With me is my 09:38:52 18 colleague Danielle Merola, here on 09:38:54 19 behalf of the Official Committee of 09:38:59 20 Tort Claimants in the PG&E Bankruptcy 09:39:01 21 case. 09:39:03 22 MS. WELCHANS: This is Kelly 09:39:04 23 Welchans, from the Office of the 09:39:06 24 Attorney General, for CAL FIRE. 09:39:08 25 MR. TYE: Michael Tye, from the 09:39:09</p>	<p>1 You may now swear in the 09:40:11 2 witness. 09:40:12 3 JOHN-PAUL HENDERSON 09:40:23 4 being duly sworn on oath, was 09:40:23 5 examined and testified 09:40:23 6 as follows: 09:40:23 7 EXAMINATION 09:40:24 8 BY MR. GOODMAN: 09:40:24 9 Q. Good morning. 09:40:26 10 A. Good morning. 09:40:27 11 Q. Are you please state your name 09:40:27 12 for the record? 09:40:29 13 A. It's John-Paul Henderson. It's 09:40:29 14 J-O-H-N hyphen P-A-U-L, Henderson, 09:40:34 15 H-E-N-D-E-R-S-O-N. 09:40:40 16 Q. Thank you. 09:40:40 17 Do you work for FEMA? 09:40:42 18 A. Yes. 09:40:42 19 Q. Are you based in California? 09:40:46 20 A. Yes, I work in the regional 09:40:49 21 office in Oakland. 09:40:51 22 Q. So you're based in Oakland, 09:40:54 23 California? 09:40:56 24 A. Yes. 09:40:56 25 Q. Can you state the address of 09:40:59</p>
<p>Page 14</p>	<p>Page 16</p>

<p>1 US Department of Justice, Civil 09:39:11 2 Division, the Commercial Branch. I'm 09:39:12 3 here on behalf of the United States 09:39:13 4 and FEMA. 09:39:15 5 THE VIDEOGRAPHER: Okay. 09:39:20 6 Counsel on the phone. 09:39:20 7 MR. HEYN: Good morning. 09:39:21 8 Matthew Heyn, Office of the Attorney 09:39:25 9 General, for the California Governor's 09:39:28 10 Office of Emergency Services. 09:39:30 11 MS. GINTY: Danielle Ginty, Akin 09:39:32 12 Gump Strauss Hauer & Feld, on behalf 09:39:32 13 of the Ad Hoc Committee of Senior 09:39:46 14 Unsecured Noteholders. 09:39:49 15 MS. GENTEL: Sophia Gentel, from 09:39:50 16 Cravath, Swaine & Moore, representing 09:39:54 17 PG&E. 09:39:57 18 THE VIDEOGRAPHER: Anyone else 09:39:58 19 on the phone? 09:39:59 20 MS. SHEETS: Yes. This is 09:40:00 21 Victoria Sheets, from Willkie Farr & 09:40:01 22 Gallagher, on behalf of the Ad Hoc 09:40:04 23 Subrogation Group. 09:40:05 24 THE VIDEOGRAPHER: Anyone else? 09:40:06 25 Thank you. 09:40:10</p>	<p>1 your place of business? 09:41:01 2 A. Yes. The address of the 09:41:04 3 regional office is 1111 Broadway, Suite 09:41:05 4 1200, Oakland, California 94607. 09:41:11 5 Q. Okay. 09:41:16 6 Have you ever been deposed 09:41:17 7 before? 09:41:18 8 A. No. 09:41:23 9 Q. Okay. 09:41:23 10 Do you understand that your 09:41:24 11 answers must be audible? 09:41:25 12 A. Yes. 09:41:25 13 Q. So no shrugging or nodding of 09:41:29 14 the head. Does that make sense? 09:41:31 15 A. Yes, I understand. 09:41:32 16 Q. Okay. 09:41:32 17 If you do not understand a 09:41:36 18 question or find a question to be confusing, 09:41:38 19 would you please ask me for clarification? 09:41:41 20 A. Yes, I will. 09:41:44 21 Q. Okay. 09:41:44 22 Likewise, if you think that I 09:41:45 23 did not understand your answer, would you 09:41:48 24 please let me know? 09:41:50 25 A. Yes, I will. 09:41:53</p>
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<p>1 Q. Are you presently on any 09:41:55 2 medications that could impact your ability 09:41:57 3 to testify today? 09:41:58 4 A. No. 09:41:58 5 [Pause for counsel entering the 09:42:07 6 room.] 09:42:09 7 MR. GOODMAN: I think we just 09:42:09 8 had another party join the deposition. 09:42:10 9 I'll pause and give him an opportunity 09:42:13 10 to state his appearance for the 09:42:15 11 record. 09:42:17 12 MR. VORA: Thank you. 09:42:17 13 Samir Vora, of Milbank LLP, on 09:42:20 14 behalf of the Official Committee of 09:42:23 15 Unsecured Creditors. 09:42:27 16 MR. GOODMAN: Okay. 09:42:28 17 BY MR. GOODMAN: 09:42:28 18 Q. During this deposition I'll use 09:42:32 19 the term "PG&E" to refer to the Pacific Gas 09:42:34 20 and Electric Company, the debtor in the 09:42:39 21 pending chapter 11 case. If I use the term 09:42:41 22 "PG&E" or "the debtor" to refer to the 09:42:43 23 Pacific Gas and Electric Company, will you 09:42:47 24 understand my question? 09:42:48 25 A. Yes. 09:42:48</p>	<p>1 Q. Where did you go? 09:43:47 2 A. Duke University. 09:43:52 3 Q. Did you have a major or field of 09:43:52 4 emphasis? 09:43:54 5 A. Yes, I did. 09:43:55 6 Q. What was that? 09:43:55 7 A. Earth and ocean sciences. 09:43:58 8 Q. Did you attend graduate school? 09:44:02 9 A. Yes. 09:44:02 10 Q. And where did you go for 09:44:04 11 graduate school? 09:44:06 12 A. I went to the American 09:44:06 13 University Washington College of Law for law 09:44:09 14 school, and I also have a master's degree 09:44:12 15 from the American University School of 09:44:14 16 International Service. 09:44:17 17 Q. And you work for FEMA now; 09:44:22 18 correct? 09:44:25 19 A. Correct. 09:44:25 20 Q. When did you start working for 09:44:25 21 FEMA? 09:44:27 22 A. I started in the fall of 2005. 09:44:27 23 Q. Was this your first job after 09:44:36 24 graduate school? 09:44:38 25 A. Yes. 09:44:38</p>
<p>Page 18</p> <p>1 Q. During the deposition attorneys 09:42:53 2 may make objections. If an objection is 09:42:54 3 made you still must answer the question 09:42:57 4 unless you are instructed not to answer. 09:42:58 5 Sometimes when an objection is 09:43:02 6 made the witness can lose track of the 09:43:04 7 question. If this happens to you please let 09:43:06 8 me know and either I or the court reporter 09:43:09 9 can repeat the question for you. 09:43:14 10 Sometimes I may ask questions 09:43:16 11 that feel very basic to you. Sometimes I 09:43:18 12 may ask questions where the answer may 09:43:22 13 appear very obvious to you. Other times I 09:43:23 14 may ask questions that require some thought 09:43:26 15 on your part. Please take your time in 09:43:27 16 responding to my questions. If you need a 09:43:30 17 moment to think before you answer, I will 09:43:33 18 not be offended, and your lawyer will 09:43:35 19 appreciate having the time to interpose an 09:43:38 20 objection. 09:43:41 21 Does that make sense? 09:43:42 22 A. Yes, I understand. 09:43:43 23 Q. Great. 09:43:44 24 Did you attend college? 09:43:44 25 A. Yes. 09:43:44</p>	<p>Page 20</p> <p>1 Q. What are your job 09:44:43 2 responsibilities at FEMA? 09:44:45 3 A. I am the regional counsel for 09:44:46 4 the Region IX office in Oakland. 09:44:50 5 Q. Have you held any other 09:44:59 6 positions at FEMA? 09:45:00 7 A. Prior to working in the regional 09:45:03 8 office I was an attorney at our headquarters 09:45:06 9 office in Washington, D.C. 09:45:09 10 Q. And what were your 09:45:12 11 responsibilities when you were working in 09:45:13 12 Washington, D.C.? 09:45:15 13 A. I was responsible for providing 09:45:16 14 legal advice on a number of agency programs. 09:45:20 15 Q. Okay. 09:45:23 16 Is there anything unique about 09:45:27 17 your current position at FEMA? 09:45:28 18 MR. TYE: Object to the form. 09:45:34 19 MR. GOODMAN: Let me rephrase. 09:45:35 20 Q. Do you have any responsibilities 09:45:38 21 at FEMA that no one else has? 09:45:39 22 A. I mean, I'm the lead attorney 09:45:53 23 for the regional office. So -- insofar as 09:45:55 24 there is no really attorney for the regional 09:46:00 25 office, I'm the only one that has those 09:46:01</p>

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<p>1 duties. 09:46:04</p> <p>2 Q. Okay. 09:46:04</p> <p>3 Do any employees report to you? 09:46:04</p> <p>4 A. Yes. 09:46:07</p> <p>5 Q. Who are those? 09:46:08</p> <p>6 A. I have two direct reports. The 09:46:10</p> <p>7 first is Ann Winterman and the second is 09:46:12</p> <p>8 Dana Waller. 09:46:16</p> <p>9 Q. Are they both attorneys? 09:46:22</p> <p>10 A. Yes. 09:46:22</p> <p>11 Q. And what are their job titles 09:46:31</p> <p>12 and responsibilities? 09:46:32</p> <p>13 A. Ms. Winterman's title is 09:46:33</p> <p>14 assistant regional counsel, and Ms. Waller's 09:46:39</p> <p>15 title is attorney advisor, and they also 09:46:43</p> <p>16 provide legal advice on FEMA's programs 09:46:50</p> <p>17 specific to FEMA Region IX. 09:46:53</p> <p>18 Q. Do you report to anyone at FEMA? 09:46:57</p> <p>19 A. Yes. 09:47:02</p> <p>20 Q. And who is that? 09:47:02</p> <p>21 A. My first-line supervisor is 09:47:03</p> <p>22 Scott Dowling in the headquarters office of 09:47:05</p> <p>23 chief counsel. 09:47:10</p> <p>24 Q. And what are his 09:47:10</p> <p>25 responsibilities? 09:47:13</p>	<p>1 A. Yes. 09:48:30</p> <p>2 Q. Are you prepared to testify 09:48:35</p> <p>3 today as to information known or recently 09:48:37</p> <p>4 known to FEMA about each of the topics 09:48:42</p> <p>5 listed in this Rule 30(b)(6) notice? 09:48:45</p> <p>6 A. Yes. 09:48:50</p> <p>7 Q. Are there any topics for which 09:48:50</p> <p>8 you are not prepared to testify as FEMA's 09:48:51</p> <p>9 Rule 30(b)(6) designee? 09:48:55</p> <p>10 A. No, I am prepared. 09:49:14</p> <p>11 Q. Okay. 09:49:15</p> <p>12 What did you do to prepare for 09:49:15</p> <p>13 this deposition? 09:49:17</p> <p>14 A. I reviewed the proofs of claim 09:49:19</p> <p>15 filed by FEMA in the bankruptcy proceeding. 09:49:21</p> <p>16 I reviewed the responses to the discovery 09:49:24</p> <p>17 requests, the interrogatories and requests 09:49:29</p> <p>18 for admission, and refamiliarized myself 09:49:33</p> <p>19 with the documents that were provided as 09:49:37</p> <p>20 part of the document production request. 09:49:39</p> <p>21 Q. Okay. 09:49:39</p> <p>22 Did you meet with an attorney? 09:49:43</p> <p>23 A. Yes. I met with the Department 09:49:46</p> <p>24 of Justice. 09:49:48</p> <p>25 Q. Okay. 09:49:48</p>
<p>Page 22</p> <p>1 A. He is responsible for managing 09:47:13</p> <p>2 all of the regional counsel across FEMA's 09:47:16</p> <p>3 ten regional offices. 09:47:20</p> <p>4 Q. Is he based in Washington, D.C.? 09:47:22</p> <p>5 A. Yes, he works in Washington, 09:47:23</p> <p>6 D.C. 09:47:25</p> <p>7 Q. Okay. 09:47:25</p> <p>8 We'll go ahead and mark the 09:47:29</p> <p>9 Rule 30(b)(6) notice as Exhibit 1. 09:47:31</p> <p>10 [Deposition Exhibit 1 marked for 09:47:31</p> <p>11 identification.] 09:47:31</p> <p>12 BY MR. GOODMAN: 09:47:59</p> <p>13 Q. Okay. And you've been handed 09:47:59</p> <p>14 what has been marked as Exhibit 1. Can you 09:48:00</p> <p>15 identify this document? 09:48:02</p> <p>16 A. This is the Amended Notice of 09:48:05</p> <p>17 Rule 30(B)(6) Deposition of Department of 09:48:06</p> <p>18 Homeland Security Federal Emergency 09:48:10</p> <p>19 Management Agency. 09:48:12</p> <p>20 Q. Do you understand that you have 09:48:14</p> <p>21 been offered as FEMA's Rule 30(b)(6) 09:48:15</p> <p>22 designee? 09:48:18</p> <p>23 A. Yes, I do. 09:48:26</p> <p>24 Q. Have you reviewed this Rule 09:48:27</p> <p>25 30(b)(6) notice before? 09:48:30</p>	<p>Page 24</p> <p>1 For how long did you meet with 09:49:49</p> <p>2 the Department of Justice? 09:49:51</p> <p>3 A. We had an in-person meeting 09:49:57</p> <p>4 yesterday all day and then two phone calls 09:50:00</p> <p>5 the prior week. 09:50:04</p> <p>6 Q. Okay. 09:50:05</p> <p>7 And you referenced the proofs of 09:50:08</p> <p>8 claim and the responses to the written 09:50:10</p> <p>9 discovery. Are there any specific documents 09:50:11</p> <p>10 that you reviewed to prepare for this 09:50:14</p> <p>11 deposition? 09:50:15</p> <p>12 A. I also refamiliarized myself 09:50:27</p> <p>13 with some of the CAL FIRE and CPUC reports. 09:50:29</p> <p>14 Q. Are there any specific documents 09:50:35</p> <p>15 that you as the Rule 30(b)(6) designee 09:50:46</p> <p>16 believe are of critical importance to FEMA's 09:50:49</p> <p>17 claims against PG&E? 09:50:52</p> <p>18 MR. TYE: Object to the form. 09:50:55</p> <p>19 A. Could you just restate the 09:51:00</p> <p>20 question? 09:51:01</p> <p>21 Q. Sure. 09:51:01</p> <p>22 Thank you for asking. 09:51:02</p> <p>23 Are there any specific documents 09:51:03</p> <p>24 that you as the Rule 30(b)(6) designee 09:51:05</p> <p>25 believe are of critical importance to FEMA's 09:51:08</p>

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<p>1 claims against PG&E? 09:51:11</p> <p>2 MR. TYE: Same objection. 09:51:13</p> <p>3 A. All of the documents that I 09:51:18</p> <p>4 referenced are of critical importance to 09:51:19</p> <p>5 FEMA, as well as the ones that are 09:51:21</p> <p>6 referenced throughout our proofs of claim. 09:51:24</p> <p>7 Q. Okay. 09:51:24</p> <p>8 Did you speak with anyone other 09:51:30</p> <p>9 than your attorney in preparation for this 09:51:31</p> <p>10 deposition? 09:51:33</p> <p>11 A. I also spoke with Ann Winterman, 09:51:38</p> <p>12 who I referenced before, who works with me. 09:51:42</p> <p>13 Q. She is an attorney; correct? 09:51:43</p> <p>14 A. Yes. 09:51:43</p> <p>15 Q. Were you seeking legal advice 09:51:51</p> <p>16 from Ms. Winterman? 09:51:53</p> <p>17 MR. TYE: I just want to caution 09:51:54</p> <p>18 the witness here: Don't divulge any 09:51:55</p> <p>19 privileged communications you have. 09:51:57</p> <p>20 You can answer the question. 09:51:58</p> <p>21 THE WITNESS: Okay. 09:52:00</p> <p>22 A. She helped prepare the responses 09:52:03</p> <p>23 to the discovery requests. So I was just 09:52:04</p> <p>24 refamiliar- -- as I was refamiliarizing 09:52:09</p> <p>25 myself. 09:52:12</p>	<p>1 Q. Okay. 09:53:44</p> <p>2 How do you use that phrase? 09:53:45</p> <p>3 A. When I use the word "disaster" 09:53:46</p> <p>4 assistance" or when the agency does, we 09:53:50</p> <p>5 typically think of financial assistance and 09:53:52</p> <p>6 direct assistance that's provided to state 09:53:57</p> <p>7 and local governments, nonprofits, and 09:54:01</p> <p>8 individuals impacted by disasters. 09:54:04</p> <p>9 Q. Okay. 09:54:06</p> <p>10 Are you familiar with the phrase 09:54:08</p> <p>11 "public assistance"? 09:54:10</p> <p>12 A. Yes. 09:54:10</p> <p>13 Q. What does that phrase mean to 09:54:12</p> <p>14 you? 09:54:14</p> <p>15 A. Public assistance is a FEMA 09:54:14</p> <p>16 program which provides financial and direct 09:54:19</p> <p>17 assistance to state government, local 09:54:24</p> <p>18 governments, and certain eligible private 09:54:26</p> <p>19 nonprofit entities. 09:54:28</p> <p>20 Q. Are you familiar with the phrase 09:54:36</p> <p>21 "individual assistance"? 09:54:38</p> <p>22 A. Yes. 09:54:38</p> <p>23 Q. What does that phrase mean to 09:54:39</p> <p>24 you? 09:54:40</p> <p>25 A. Individual assistance 09:54:41</p>
<p>Page 26</p> <p>1 Q. Okay. Okay. 09:52:12</p> <p>2 Generally speaking, what does 09:52:23</p> <p>3 FEMA do? 09:52:24</p> <p>4 MR. TYE: Object to the form. 09:52:26</p> <p>5 A. FEMA's mission is to help 09:52:30</p> <p>6 survivors before, during and after 09:52:32</p> <p>7 disasters. We have many programs across a 09:52:34</p> <p>8 range of response, recovery, mitigation, 09:52:38</p> <p>9 preparedness activities. Probably what 09:52:44</p> <p>10 we're best known for is the assistance we 09:52:49</p> <p>11 provide in response to major disasters that 09:52:54</p> <p>12 occur throughout the country. 09:52:58</p> <p>13 Q. Okay. 09:52:59</p> <p>14 Now, how would you describe 09:53:04</p> <p>15 FEMA's functions to someone that doesn't 09:53:06</p> <p>16 know anything about the agency? 09:53:07</p> <p>17 A. I think the best one-sentence 09:53:08</p> <p>18 answer would be that we help survivors and 09:53:26</p> <p>19 communities respond and recover to 09:53:30</p> <p>20 disasters. 09:53:33</p> <p>21 Q. Okay. 09:53:33</p> <p>22 Are you familiar with the phrase 09:53:34</p> <p>23 "disaster assistance"? 09:53:37</p> <p>24 A. I'm familiar with the context in 09:53:38</p> <p>25 which we use the term "disaster assistance." 09:53:42</p>	<p>Page 28</p> <p>1 encompasses a number of FEMA programs for 09:54:42</p> <p>2 providing assistance to individuals after 09:54:45</p> <p>3 disaster. Those would include but not be 09:54:48</p> <p>4 limited to financial assistance provided to 09:54:53</p> <p>5 individuals, direct housing we might provide 09:54:57</p> <p>6 to individuals, and then there are a number 09:55:00</p> <p>7 of other what we refer to as community 09:55:08</p> <p>8 service programs provided -- that help 09:55:10</p> <p>9 support individuals as well, such as crisis 09:55:12</p> <p>10 counseling, disaster case management, 09:55:14</p> <p>11 disaster legal services. And there may be 09:55:16</p> <p>12 some others as well I'm just not 09:55:21</p> <p>13 recollecting at this moment. 09:55:24</p> <p>14 Q. Are public assistance and 09:55:25</p> <p>15 individual assistance both forms of disaster 09:55:27</p> <p>16 assistance? 09:55:31</p> <p>17 A. Yes. 09:55:31</p> <p>18 Q. Okay. 09:55:32</p> <p>19 What's the difference between 09:55:34</p> <p>20 public assistance and individual assistance? 09:55:36</p> <p>21 A. The primary difference is that 09:55:38</p> <p>22 public assistance is provided to 09:55:42</p> <p>23 governmental entities and/or eligible 09:55:48</p> <p>24 private nonprofits, versus individual 09:55:51</p> <p>25 assistance is primarily provided directly to 09:55:55</p>

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<p>1 individuals with the exception of those 09:56:00 2 community services programs are run -- 09:56:02 3 they're programs that are run through 09:56:05 4 governmental entities typically but they 09:56:07 5 provide services to individuals. 09:56:09</p> <p>6 Q. Okay. 09:56:11</p> <p>7 Are you familiar with the phrase 09:56:11 8 "federal assistance"? 09:56:13</p> <p>9 A. Again, in terms of the way that 09:56:20 10 it's used at FEMA. 09:56:22</p> <p>11 Q. Okay. 09:56:24</p> <p>12 How is that term used at FEMA? 09:56:25</p> <p>13 A. So federal assistance, as we 09:56:27 14 would use it, would be any form of financial 09:56:28 15 or direct assistance provided to a 09:56:32 16 nonfederal entity. 09:56:36</p> <p>17 Q. Would that include individuals 09:56:39 18 and public entities? 09:56:41</p> <p>19 A. Yes. 09:56:41</p> <p>20 Q. Okay. 09:56:46</p> <p>21 What events typically result in 09:56:47 22 FEMA providing disaster assistance? 09:56:49</p> <p>23 MR. TYE: Object to the form. 09:56:51</p> <p>24 A. So there are two types of 09:56:58 25 declarations under the Stafford Act that the 09:56:59</p>	<p>1 declaration the president may authorize 09:58:09 2 public assistance, individual assistance, 09:58:11 3 and then another program called the Hazard 09:58:14 4 Mitigation Grant Program. 09:58:19</p> <p>5 Under an emergency declaration 09:58:20 6 the type of assistance that may be 09:58:24 7 authorized is limited to certain categories 09:58:27 8 of public assistance. And then only one 09:58:30 9 program of individual assistance is 09:58:37 10 available, which is our housing program, and 09:58:38 11 the hazard mitigation program is not 09:58:43 12 available under an emergency declaration -- 09:58:45 13 is not available. 09:58:47</p> <p>14 Q. Could you give me some examples 09:58:47 15 of an emergency declaration? 09:58:52</p> <p>16 A. Yeah. The most common situation 09:58:55 17 where an emergency declaration is used is 09:59:00 18 when there is a hurricane or a typhoon 09:59:02 19 that's approaching a state or territory but 09:59:08 20 hasn't actually impacted yet. And so there 09:59:11 21 may be federal resources necessary to 09:59:16 22 support the state or local government in 09:59:18 23 preparing for the impacts of that event. 09:59:20 24 But until they're actually impacted they're 09:59:23 25 not eligible for a major disaster 09:59:25</p>
<p>Page 30</p> <p>1 president may authorize. The first is a 09:57:03 2 major disaster declaration and the second is 09:57:05 3 an emergency declaration. 09:57:08</p> <p>4 Q. What's the difference between a 09:57:11 5 major disaster declaration and an emergency 09:57:13 6 declaration? 09:57:16</p> <p>7 A. So the definitions in the 09:57:17 8 Stafford Act are different. A major 09:57:20 9 disaster declaration is any natural 09:57:22 10 catastrophe or, regardless of cause, fire, 09:57:25 11 flood or explosion. So it has to be one of 09:57:29 12 those types of events to be eligible. 09:57:34</p> <p>13 Versus an emergency declaration 09:57:36 14 is any -- I forget the exact terminology, 09:57:37 15 but it's basically any occasion or instance 09:57:42 16 where the federal government determines that 09:57:46 17 federal resources are necessary to 09:57:49 18 supplement state and local resources. 09:57:51</p> <p>19 The other major difference is 09:57:53 20 the type of assistance that's available 09:57:55 21 under the different types of declarations. 09:57:59</p> <p>22 Q. Okay. 09:58:00</p> <p>23 Well, what type of assistance is 09:58:02 24 available under a major declaration? 09:58:04</p> <p>25 A. So under a major disaster 09:58:06</p>	<p>Page 32</p> <p>1 declaration. So that's the most common 09:59:27 2 situation. 09:59:29</p> <p>3 Q. So is emergency assistance 09:59:29 4 generally provided just before a disaster 09:59:32 5 occurs whereas major assistance would be 09:59:37 6 provided after the disaster occurs? Do I 09:59:42 7 have that right? 09:59:45</p> <p>8 A. In the context of a hurricane or 09:59:45 9 typhoon specifically. 09:59:48</p> <p>10 Q. Okay. 09:59:50</p> <p>11 A. Because part of an emergency is 09:59:52 12 to lessen or avert the threat of a 09:59:53</p> <p>13 catastrophe, and so that's where we have the 09:59:55 14 ability to do that kind of pre-event 09:59:57</p> <p>15 scenario. 10:00:01</p> <p>16 Q. Okay. 10:00:01</p> <p>17 Other than hurricanes and 10:00:03 18 typhoons are there any other examples of 10:00:05 19 emergency assistance? 10:00:07</p> <p>20 A. Yeah. So -- there are, and I'm 10:00:08 21 trying to think of some good examples. 10:00:18</p> <p>22 So one example that I am 10:00:35 23 directly aware of is with the Oroville Dam 10:00:37 24 that was potentially going to have some 10:00:45 25 failure issues a couple of years ago. There 10:00:48</p>

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<p>1 was an emergency declaration done for that 10:00:50 2 to provide some resources. There was no dam 10:00:52 3 failure yet, so, again, it was kind of a 10:00:55 4 pre-event type situation. 10:00:57</p> <p>5 Q. Okay. 10:01:01</p> <p>6 You've already said FEMA 10:01:05 7 provides disaster assistance when a 10:01:07 8 hurricane hits the United States; correct? 10:01:08</p> <p>9 A. I'm sorry, could you repeat the 10:01:10 10 question? 10:01:11</p> <p>11 Q. FEMA will provide disaster 10:01:13 12 assistance when a hurricane hits the United 10:01:15 13 States; is that correct? 10:01:17</p> <p>14 MR. TYE: Object to the form. 10:01:18</p> <p>15 A. FEMA may provide assistance if 10:01:21 16 there is a major disaster declaration 10:01:22 17 approved by the president. 10:01:25</p> <p>18 Q. Okay. 10:01:26</p> <p>19 Does it matter if it's a weak 10:01:30 20 hurricane or a strong hurricane? 10:01:32</p> <p>21 MR. TYE: Object to the form. 10:01:33</p> <p>22 A. I mean, there's a number of 10:01:36 23 criteria that are used to evaluate whether a 10:01:37 24 major disaster declaration is warranted, but 10:01:42 25 ultimately the discretion on whether to 10:01:45</p>	<p>1 Guard and the Environmental Protection 10:02:51 2 Agency under their authorities related to 10:02:53 3 oil spills. 10:02:56</p> <p>4 Q. Was FEMA involved at all with 10:02:58 5 the BP oil spill? 10:03:00</p> <p>6 A. We provided assistance to the 10:03:01 7 Coast Guard and the EPA through an 10:03:06 8 interagency agreement. 10:03:09</p> <p>9 Q. But you weren't directly 10:03:11 10 involved because there was no presidential 10:03:13 11 disaster declaration; do I have that 10:03:15 12 correct? 10:03:15</p> <p>13 A. FEMA did not provide assistance 10:03:19 14 under the Stafford Act because there was no 10:03:20 15 potential emergency or major disaster 10:03:23 16 declaration. 10:03:26</p> <p>17 Q. So the two ingredients are, one, 10:03:26 18 a presidential declaration and, two, a 10:03:27 19 disaster that would trigger that 10:03:30 20 declaration; correct? 10:03:32</p> <p>21 MR. TYE: Object to the form. 10:03:33</p> <p>22 A. Well, I'm trying to understand 10:03:39 23 your question in terms of the two 10:03:40 24 ingredients for what? 10:03:42</p> <p>25 Q. For when FEMA will provide 10:03:43</p>
<p>Page 34</p> <p>1 grant a declaration is with the president. 10:01:46 2 Q. Okay. 10:01:48 3 So there has to be a declaration 10:01:49 4 given by the president in order for FEMA to 10:01:52 5 provide assistance? 10:01:55</p> <p>6 A. Correct. 10:01:55</p> <p>7 Q. Okay. So if there is a disaster 10:02:03 8 declaration provided, would FEMA provide 10:02:05 9 assistance if there is a major flood? 10:02:08</p> <p>10 A. A flood is a type of disaster 10:02:13 11 for which there could be a major disaster 10:02:15 12 declaration by the president. 10:02:18</p> <p>13 Q. Okay. 10:02:18</p> <p>14 What about a major wildfire? 10:02:20</p> <p>15 MR. TYE: Object to the form. 10:02:26</p> <p>16 A. If the president issues a major 10:02:29 17 disaster declaration for a wildfire then 10:02:31 18 FEMA would provide assistance. 10:02:33</p> <p>19 Q. Okay. 10:02:34</p> <p>20 What about environmental 10:02:35 21 disasters like the BP oil spill? 10:02:36</p> <p>22 A. There was no declaration under 10:02:38 23 the Stafford Act for the BP oil spill 10:02:41 24 because that event fell under the primary 10:02:44 25 responsibility of the United States Coast 10:02:47</p>	<p>Page 36</p> <p>1 assistance. The two prerequisites would be 10:03:47 2 a major disaster and the presidential 10:03:49 3 declaration? I'm just trying to make sure I 10:03:53 4 understand your testimony. 10:03:55</p> <p>5 MR. TYE: Same objection. 10:03:56</p> <p>6 A. Well, there would have to be an 10:03:57 7 event that triggers the major disaster or 10:03:58 8 emergency declaration by the president. 10:04:03</p> <p>9 Q. Got it. Okay. 10:04:07</p> <p>10 So you need the triggering event 10:04:08 11 plus the declaration? 10:04:10</p> <p>12 MR. TYE: Object to the form. 10:04:15</p> <p>13 A. Well, to clarify the process a 10:04:27 14 little bit more is that, between the event 10:04:29 15 occurring and the declaration, there has to 10:04:31 16 be a request from the governor of the 10:04:34 17 impacted state. 10:04:37</p> <p>18 Q. Okay. 10:04:37</p> <p>19 So there is potentially three 10:04:38 20 things, then, that would need to occur. 10:04:40</p> <p>21 There would be the disaster occurring, the 10:04:42 22 request from the governor of the state, and 10:04:46 23 then the declaration by the president. Do I 10:04:49 24 have that right? 10:04:53</p> <p>25 A. There are a lot more steps if 10:04:54</p>

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<p>1 you would like to walk through all of them. 10:04:56 2 Q. Sure. Yeah. 10:04:57 3 A. Okay. So when the incident 10:04:59 4 occurs or the event occurs, the first 10:05:04 5 response is always with the local 10:05:05 6 government. Emergency management occurs 10:05:08 7 first at the local level. 10:05:10 8 So the way this works typically 10:05:11 9 is the local governments respond first. 10:05:13 10 When they are overwhelmed they would request 10:05:17 11 assistance from the state government. And 10:05:20 12 then at that point typically the state 10:05:21 13 government, the governor, will request the 10:05:23 14 state of emergency, activate the state of 10:05:25 15 emergency plan, and provide resources to 10:05:28 16 local governments. Those are all 10:05:30 17 prerequisites prior to a governor being able 10:05:32 18 to request a declaration from the president. 10:05:35 19 If the state government 10:05:38 20 determines that it needs supplemental 10:05:40 21 resources from the federal government, then 10:05:42 22 it can request a major disaster or emergency 10:05:44 23 declaration from the president. 10:05:49 24 And then in most cases prior to 10:05:50 25 that request there will be preliminary 10:05:56</p>	<p>1 Accountability Office dated 10:07:22 2 titled "Wildfire Disasters. FEMA Could Take 10:07:26 3 Additional Actions to Address Unique 10:07:31 4 Response and Recovery Challenges." 10:07:33 5 Q. Have you seen this document 10:07:37 6 before? 10:07:38 7 A. Let me take a look at it real 10:07:43 8 quick -- 10:07:45 9 Q. Yeah, please do so. 10:07:46 10 A. -- just to make sure. 10:07:48 11 [Pause.] 10:07:48 12 A. Okay. I have not seen this 10:09:01 13 final report. I may have seen prior 10:09:02 14 versions of this report during the GAO 10:09:05 15 audit. 10:09:09 16 Q. Did you have any involvement in 10:09:09 17 the preparation of this report? 10:09:11 18 MR. TYE: I'm going to object to 10:09:15 19 this question as going beyond the 10:09:16 20 scope of the 30(b)(6) notice. 10:09:18 21 The witness can answer to his 10:09:19 22 personal knowledge for this issue, but 10:09:21 23 the testimony is not in his 30(b) 10:09:22 24 capacity on behalf of FEMA. 10:09:25 25 A. Would you repeat the question 10:09:28</p>
<p>Page 38</p> <p>1 damage assessments conducted between FEMA, 10:05:58 2 the state and the local government where 10:06:00 3 they'll assess the level of damage and 10:06:02 4 basically determine whether federal 10:06:05 5 assistance is warranted. 10:06:08 6 And then at that point a request 10:06:09 7 would be made. And then the request is 10:06:11 8 processed internally within FEMA and -- to 10:06:13 9 make a recommendation to the president. 10:06:16 10 And then the president will make 10:06:18 11 a determination based on the request and the 10:06:20 12 recommendation from FEMA. 10:06:24 13 And then once the declaration is 10:06:28 14 made then FEMA is authorized to provide 10:06:30 15 assistance. 10:06:32 16 Q. Thank you. That's good. 10:06:32 17 MR. GOODMAN: Go ahead and mark 10:06:35 18 Exhibit Number 2. 10:06:38 19 [Deposition Exhibit 2 marked for 10:07:03 20 identification.] 10:07:06 21 MR. GOODMAN: 10:07:06 22 Q. Okay. Can you please identify 10:07:09 23 this document? 10:07:12 24 A. It looks like this is a report 10:07:12 25 from the United States Government 10:07:16</p>	<p>Page 40</p> <p>1 again? 10:09:29 2 Q. Did you have any involvement in 10:09:30 3 the preparation of this report? 10:09:33 4 MR. TYE: Same objection. 10:09:34 5 A. I would not have been involved 10:09:37 6 in the preparation of the report. But 10:09:38 7 typically when the GAO conducts a -- 10:09:42 8 prepares a report or conducts an audit they 10:09:47 9 typically will talk to agency officials, and 10:09:50 10 sometimes they will provide a draft report 10:09:56 11 in which the agency provides comments about 10:09:59 12 what's in the report, which is typically 10:10:01 13 included but -- the agency's response is 10:10:04 14 typically included. 10:10:07 15 Q. So FEMA would have provided 10:10:08 16 input in the process of this report being 10:10:10 17 prepared? 10:10:13 18 MR. TYE: Same objection. And I 10:10:14 19 would ask counsel just for -- to move 10:10:16 20 this along, to have a continuing 10:10:19 21 objection that all these questions are 10:10:20 22 beyond the scope of the 30(b)(6) 10:10:22 23 notice. 10:10:24 24 Again, the witness can answer in 10:10:24 25 his personal knowledge for this issue, 10:10:25</p>

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1 but his testimony is not in his 10:10:27	1 local governments, and disaster relief 10:12:19
2 30(b)(6) capacity on behalf of FEMA. 10:10:29	2 organizations in alleviating damage, loss, 10:12:22
3 A. So, again, the typical process 10:10:33	3 hardship or suffering." 10:12:25
4 for these types of reports is that the GAO 10:10:35	4 It says: 10:12:27
5 will have meetings with and request 10:10:41	5 "See 42 USC Section 5122(2)." 10:12:28
6 documents from the agency for which they are 10:10:43	6 Are you familiar with 10:12:36
7 preparing the report, and then typically the 10:10:46	7 42 USC section 5122(2)? 10:12:39
8 agency is given an opportunity to review the 10:10:48	8 A. Yes, I have read that section 10:12:46
9 report and comment on it prior to its final 10:10:50	9 many times. 10:12:47
10 publication. 10:10:53	10 Q. Okay. 10:12:47
11 Q. Okay. 10:10:55	11 So you are familiar with the 10:12:48
12 Could you please go to page 10:10:55	12 definition of "major disasters" set forth in 10:12:49
13 number 1 of the report. At the bottom 10:10:57	13 that statute? 10:12:51
14 you'll see footnote number 1. The other 10:11:03	14 A. Yes. 10:12:51
15 thing, at the bottom it will say "GAO-20-5 10:11:10	15 Q. Okay. So following this 10:12:58
16 Wildfire Disasters." 10:11:14	16 footnote, my question is this. 10:12:59
17 A. Uh-huh. 10:11:14	17 Are other than hurricanes, 10:13:06
18 Q. We're on the same page? 10:11:16	18 tornados, storms, high water, wind-driven 10:13:08
19 Okay. 10:11:17	19 water, tidal waves, tsunamis, earthquakes, 10:13:11
20 Do you see footnote 1? 10:11:18	20 volcanic eruptions, landslides, mudslides, 10:13:16
21 A. Yes. 10:11:19	21 snowstorms or droughts, fires, floods or 10:13:20
22 MR. TYE: And, counsel, just so 10:11:19	22 explosions, are there any other conditions 10:13:24
23 it's clear, do -- will you allow a 10:11:20	23 for which FEMA provides assistance? 10:13:27
24 continuing objection as to all these 10:11:23	24 A. We would potentially provide 10:13:45
25 questions as beyond the scope of the 10:11:25	25 assistance for other types of events under 10:13:46

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1 30(b)(6) notice? 10:11:26	1 an emergency declaration but not under a 10:13:48
2 MR. GOODMAN: No because I don't 10:11:27	2 major disaster declaration. 10:13:51
3 think they are beyond the scope. 10:11:29	3 Q. Okay. 10:13:53
4 MR. TYE: Okay. I'll go ahead 10:11:29	4 So let me -- 10:13:58
5 and say state it every time then. 10:11:31	5 A. Could I clarify that response? 10:13:59
6 MR. GOODMAN: Okay. 10:11:33	6 Q. Yes, please. 10:14:01
7 Q. Okay. Do you see footnote 10:11:34	7 A. So ultimately FEMA will provide 10:14:02
8 number 1? 10:11:35	8 assistance whenever the president declares a 10:14:05
9 A. Yes, I do. 10:11:39	9 major disaster, and ultimately the 10:14:07
10 Q. Okay. 10:11:39	10 discretion is with the president on what to 10:14:09
11 I'll go ahead and read it for 10:11:40	11 declare as a major disaster. 10:14:11
12 you. 10:11:41	12 Q. Let me try reframing it, then. 10:14:24
13 It says: 10:11:43	13 Other than hurricanes, tornados, 10:14:26
14 "A major disaster is any natural 10:11:43	14 storms, high water, wind-driven water, tidal 10:14:28
15 catastrophe (including any hurricane, 10:11:46	15 waves, tsunamis, earthquakes, volcanic 10:14:32
16 tornado, storm, high water, wind-driven 10:11:49	16 eruptions, landslides, mudslides, snowstorms 10:14:35
17 water, tidal wave, tsunami, earthquake, 10:11:53	17 or droughts, fires, floods or explosions, 10:14:39
18 volcanic eruption, landslide, mudslide, 10:11:58	18 are there any other conditions for which 10:14:41
19 snowstorm or drought) or, regardless of the 10:11:59	19 FEMA will provide assistance in relation to 10:14:43
20 cause, any fire, flood or explosion in any 10:12:03	20 a major disaster? 10:14:45
21 part of the United States which the 10:12:06	21 MR. HEYN: This is Matt Heyn on 10:14:50
22 president determines causes damage of 10:12:09	22 the phone. 10:14:52
23 sufficient severity and magnitude to warrant 10:12:11	23 Objection to form. 10:14:53
24 major disaster assistance to supplement the 10:12:14	24 A. So, again, FEMA would provide 10:14:58
25 efforts and available resources of states, 10:12:16	25 assistance any time the president declares a 10:15:00

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<p>1 major disaster declaration. 10:15:02</p> <p>2 Q. All right. 10:15:11</p> <p>3 The question, though, is are 10:15:12</p> <p>4 there any conditions beyond the ones set 10:15:13</p> <p>5 forth in the statute for which FEMA would 10:15:15</p> <p>6 provide disaster assistance? 10:15:19</p> <p>7 MR. TYE: Object to the form and 10:15:22</p> <p>8 object to that question as going 10:15:23</p> <p>9 beyond the scope of the 30(b)(6) 10:15:25</p> <p>10 notice. 10:15:27</p> <p>11 The witness can answer as to his 10:15:27</p> <p>12 personal knowledge for this issue, but 10:15:29</p> <p>13 the testimony is not in his 30(b) 10:15:31</p> <p>14 capacity on behalf of FEMA. 10:15:33</p> <p>15 MR. HEYN: This is Matt Heyn on 10:15:34</p> <p>16 the phone. Just object to the form. 10:15:37</p> <p>17 A. If the president declared a 10:15:41</p> <p>18 major disaster declaration, FEMA would 10:15:42</p> <p>19 provide assistance. I am not aware of any 10:15:45</p> <p>20 major disaster declarations that have been 10:15:50</p> <p>21 made for events other than those identified 10:15:52</p> <p>22 in the definition. 10:15:56</p> <p>23 Q. And the definition would be the 10:15:59</p> <p>24 one set forth in 42 USC section 5122(2)? 10:16:01</p> <p>25 MR. TYE: Object to the form. 10:16:07</p>	<p>1 declaration. But, again, it would be very 10:17:10</p> <p>2 fact dependent. 10:17:12</p> <p>3 Q. Okay. 10:17:12</p> <p>4 Has FEMA ever gone out and 10:18:12</p> <p>5 repaired powerlines that it suspects could 10:18:12</p> <p>6 be faulty in order to prevent a wildfire 10:18:12</p> <p>7 from happening? 10:18:12</p> <p>8 MR. TYE: Object to the form and 10:18:12</p> <p>9 object to this question as beyond the 10:18:12</p> <p>10 scope of the 30(b)(6) notice. 10:18:12</p> <p>11 The witness can answer as to 10:18:12</p> <p>12 personal knowledge for this issue but 10:18:12</p> <p>13 the testimony is not in his 30(b)(6) 10:18:12</p> <p>14 capacity on behalf of FEMA. 10:18:13</p> <p>15 MR. GOODMAN: Again, we disagree 10:18:13</p> <p>16 on that. 10:18:13</p> <p>17 Go ahead. 10:18:13</p> <p>18 A. And, I'm sorry, could you just 10:18:13</p> <p>19 repeat the question one are one more time? 10:18:13</p> <p>20 Q. Sure. 10:18:13</p> <p>21 Has FEMA ever gone out and 10:18:13</p> <p>22 repaired powerlines that it suspects could 10:18:13</p> <p>23 be faulty in order to prevent a wildfire 10:18:13</p> <p>24 from happening? 10:18:13</p> <p>25 MR. TYE: Same objections. 10:18:13</p>
<p>Page 46</p> <p>1 And same objection as to scope. 10:16:11</p> <p>2 A. Based on my personal knowledge I 10:16:14</p> <p>3 am not aware of any major disaster 10:16:15</p> <p>4 declarations that have been made other than 10:16:17</p> <p>5 for those identified in 42 USC 5122 10:16:19</p> <p>6 paragraph -- or, sorry, subparagraph 2. 10:16:25</p> <p>7 Q. Okay. 10:16:25</p> <p>8 Has a disaster declaration ever 10:16:32</p> <p>9 been declared for severe traffic congestion? 10:16:33</p> <p>10 MR. TYE: Object to the form and 10:16:37</p> <p>11 object to the question as beyond the 10:16:37</p> <p>12 scope of the 30(b)(6) notice. 10:16:39</p> <p>13 The witness can answer as to his 10:16:41</p> <p>14 personal knowledge for this issue, but 10:16:42</p> <p>15 the testimony is not in his 30(b)(6) 10:16:44</p> <p>16 capacity on behalf of FEMA. 10:16:46</p> <p>17 A. None that I am aware of. 10:16:48</p> <p>18 Q. Okay. 10:16:49</p> <p>19 Is severe traffic congestion a 10:16:52</p> <p>20 condition for which FEMA provides 10:16:56</p> <p>21 assistance? 10:16:58</p> <p>22 MR. TYE: Same objections. 10:16:59</p> <p>23 A. That would be a fact-specific 10:17:02</p> <p>24 question, and depending on the facts could 10:17:03</p> <p>25 potentially be eligible for an emergency 10:17:07</p>	<p>Page 48</p> <p>1 A. Such activity would be outside 10:18:13</p> <p>2 the scope of FEMA's authority. 10:18:13</p> <p>3 Q. Has FEMA ever viewed powerlines 10:18:13</p> <p>4 that are in need of repair as a major 10:18:13</p> <p>5 disaster in the absence of a wildfire? 10:18:13</p> <p>6 MR. TYE: Object to the form. 10:18:13</p> <p>7 A. It would not meet the definition 10:18:20</p> <p>8 of a major disaster under the Stafford Act. 10:18:21</p> <p>9 Q. So the answer would be no, FEMA 10:18:26</p> <p>10 has never viewed powerlines that are in need 10:18:28</p> <p>11 of repair as a major disaster in the absence 10:18:30</p> <p>12 of a wildfire? 10:18:32</p> <p>13 MR. TYE: Object to the form. 10:18:34</p> <p>14 A. I think the answer would be that 10:18:37</p> <p>15 FEMA would not consider repairing powerlines 10:18:38</p> <p>16 prior to disaster as an eligible event under 10:18:41</p> <p>17 the definition of a major disaster 10:18:44</p> <p>18 declaration for the Stafford Act. 10:18:46</p> <p>19 Q. Okay. 10:18:48</p> <p>20 Has a major disaster declaration 10:18:49</p> <p>21 ever been issued to fix faulty powerlines? 10:18:52</p> <p>22 MR. TYE: Object to the form. 10:18:56</p> <p>23 A. I would need clarification on 10:19:05</p> <p>24 what you mean by "faulty powerlines." 10:19:07</p> <p>25 Q. Powerlines that are potentially 10:19:18</p>

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<p>1 in need of repair or updating. 10:19:19 2 MR. TYE: Same objection. 10:19:22 3 A. If a publicly owned or nonprofit 10:19:28 4 utility had powerlines that were damaged by 10:19:34 5 an event that was declared a major disaster 10:19:37 6 by the president, FEMA would provide 10:19:41 7 assistance to repair those powerlines. 10:19:43 8 Q. Okay. 10:19:45 9 So in the absence of a disaster 10:19:46 10 such as a wildfire, has FEMA ever -- strike 10:19:52 11 that. 10:20:01 12 As a stand-alone event has FEMA 10:20:10 13 ever deemed faulty lines -- try again? 10:20:12 14 As a stand-alone event has FEMA 10:20:15 15 ever deemed faulty powerlines to be a major 10:20:18 16 disaster? 10:20:21 17 MR. TYE: Object to the form. 10:20:22 18 A. We would not consider that to be 10:20:30 19 within the definition of a major disaster. 10:20:33 20 Q. Okay. 10:20:35 21 Has the state of transmission 10:20:43 22 lines ever been declared a major disaster 10:20:45 23 that is beyond a state's capability to 10:20:48 24 handle? 10:20:51 25 MR. TYE: Object to the form and 10:20:52</p>	<p>1 A. FEMA provides mitigation 10:21:56 2 assistance to eligible applicants for 10:21:58 3 wildfire mitigation activities, but I am not 10:22:02 4 aware of any projects related to repairing 10:22:05 5 powerlines. 10:22:08 6 Q. Okay. 10:22:08 7 Can you identify any situation 10:22:11 8 where federal assistance was provided by 10:22:13 9 FEMA for the sole purpose of repairing and 10:22:16 10 updating transmission lines? 10:22:19 11 MR. TYE: Object to the form and 10:22:22 12 object to the question as beyond the 10:22:23 13 scope of the 30(b)(6) notice. 10:22:24 14 The witness can answer in his 10:22:25 15 personal knowledge for this issue, but 10:22:27 16 the testimony is not in his 30(b) 10:22:28 17 capacity on behalf of FEMA. 10:22:30 18 MR. GOODMAN: Again we disagree. 10:22:32 19 A. FEMA regularly provides 10:22:35 20 assistance to publicly owned utilities and 10:22:36 21 private nonprofit utilities to repair 10:22:40 22 powerlines damaged by a major disaster. 10:22:46 23 That may also include hazard mitigation 10:22:49 24 measures to strengthen the power grid for 10:22:52 25 future events as well. 10:22:54</p>
<p>Page 50</p> <p>1 object to that question as beyond the 10:20:53 2 scope of the 30(b)(6) notice. The 10:20:54 3 witness can answer as to his personal 10:20:56 4 knowledge for this issue, but the 10:20:57 5 testimony is not in his 30(b)(6) 10:20:58 6 capacity on behalf of FEMA. 10:21:01 7 A. Again, FEMA would not consider 10:21:03 8 transmission -- the state of transmission 10:21:06 9 lines to fall within the definition of a 10:21:08 10 major disaster under the Stafford Act. 10:21:10 11 Q. Okay. 10:21:10 12 Has a major disaster declaration 10:21:13 13 ever been issued to fix faulty power 10:21:15 14 equipment? 10:21:18 15 MR. TYE: Object to the form. 10:21:19 16 A. As stated previously, if power 10:21:23 17 equipment were damaged during a declared 10:21:25 18 major disaster, FEMA could provide 10:21:28 19 assistance to repair it if it was an 10:21:29 20 eligible applicant such as a publicly owned 10:21:31 21 utility or an eligible private nonprofit. 10:21:35 22 Q. Does FEMA go around repairing 10:21:39 23 powerlines to prevent wildfires from 10:21:42 24 occurring? 10:21:44 25 MR. TYE: Object to the form. 10:21:51</p>	<p>Page 52</p> <p>1 Q. Okay. 10:22:56 2 But that's not the question. 10:22:57 3 The question is can you identify any 10:22:58 4 situation where federal assistance was 10:23:01 5 provided by FEMA for the sole purpose of 10:23:03 6 repairing and updating transmission lines? 10:23:07 7 MR. TYE: Object to the form and 10:23:11 8 object to that question as beyond the 10:23:12 9 scope of the 30(b)(6) notice. 10:23:13 10 The witness can answer in his 10:22:25 11 personal knowledge for this issue, but 10:22:27 12 the testimony is not in his 30(b) 10:22:28 13 capacity on behalf of FEMA. 10:22:30 14 A. I believe my answer was 10:23:22 15 responsive because public assistance, which 10:23:24 16 is a type of federal assistance, has been 10:23:26 17 provided to publicly owned and private 10:23:29 18 nonprofit utilities for the purpose of 10:23:31 19 repairing and strengthening their powerlines 10:23:34 20 in certain disasters. 10:23:41 21 Q. But this would be after the 10:23:44 22 disaster occurred; correct? 10:23:45 23 MR. TYE: Object to the form. 10:23:47 24 A. We actually have our hazard 10:23:52 25 mitigation programs, which again are 10:23:55</p>

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<p>1 available to public entities and private 10:23:57 2 nonprofits. And so there have been some -- 10:23:59 3 some activities under our mitigation 10:24:06 4 programs to support power infrastructure. 10:24:09 5 Q. Okay. 10:24:14 6 Can you give me some examples? 10:24:17 7 MR. TYE: Object to the form and 10:24:18 8 object to that question as beyond the 10:24:20 9 scope of the 30(b)(6) notice. 10:24:21 10 The witness can answer in his 10:22:25 11 personal knowledge for this issue, but 10:22:27 12 the testimony is not in his 30(b) 10:22:28 13 capacity on behalf of FEMA. 10:22:30 14 A. The example that I am personally 10:24:29 15 aware of is related to some typhoons out in 10:24:30 16 the commonwealth of the Northern Mariana 10:24:38 17 Islands, which is part of Region IX's area 10:24:41 18 of responsibility. After Typhoon Soudelor 10:24:45 19 we provided extensive assistance to repair 10:24:49 20 portions of the power grid. And part of the 10:24:52 21 hazard mitigation program, which doesn't 10:24:57 22 have to be for infrastructure actually 10:24:58 23 damaged by the event. It can also be to 10:25:00 24 upgrade other infrastructure that wasn't 10:25:03 25 damaged, some assistance has been provided. 10:25:07</p>	<p>1 State of California a condition for which 10:26:11 2 federal assistance has ever been provided by 10:26:13 3 FEMA? 10:26:15 4 MR. TYE: Object to the form of 10:26:19 5 that question. 10:26:20 6 A. Can you just restate the 10:26:21 7 question one more time? 10:26:22 8 Q. Yeah. 10:26:24 9 Are faulty powerlines in the 10:26:24 10 State of California a condition for which 10:26:26 11 federal assistance has ever been provided by 10:26:28 12 FEMA? 10:26:30 13 MR. TYE: Object to the form. 10:26:32 14 A. We would have provided federal 10:27:01 15 assistance to public entities or private 10:27:03 16 nonprofits to repair infrastructure that was 10:27:05 17 damaged. That's the only time we would have 10:27:08 18 provided federal assistance. 10:27:12 19 Q. Okay. 10:27:13 20 But that would have occurred 10:27:16 21 after a wildfire took place; correct? 10:27:17 22 A. Or any other event that received 10:27:20 23 a major disaster declaration. 10:27:24 24 Q. Okay. 10:27:26 25 So in the absence of a wildfire 10:27:30</p>
<p>Page 54</p> <p>1 And also for -- we're currently 10:25:09 2 in the process of some more projects after 10:25:14 3 Super Typhoon Yutu, which also impacted the 10:25:17 4 commonwealth of the Northern Mariana 10:25:20 5 Islands. I believe that was in 2018. 10:25:23 6 Q. Okay. 10:25:25 7 Can you identify any situation 10:25:27 8 where federal assistance was provided by 10:25:29 9 FEMA in the State of California for the sole 10:25:32 10 purpose of repairing and updating 10:25:36 11 transmission lines? 10:25:38 12 MR. TYE: Object to the form and 10:25:41 13 object to that question as beyond the 10:25:42 14 scope of the 30(b)(6) notice. 10:25:43 15 The witness can answer in his 10:25:44 16 personal knowledge for this issue, but 10:25:46 17 his testimony is not in his 30(b)(6) 10:25:48 18 capacity on behalf of FEMA. 10:25:50 19 A. I am not aware of any projects 10:25:52 20 within California specific to replacing or 10:25:54 21 upgrading powerlines without a major 10:26:02 22 disaster declaration or emergency 10:26:04 23 declaration. 10:26:06 24 Q. Okay. 10:26:06 25 Are faulty powerlines in the 10:26:08</p>	<p>Page 55</p> <p>1 or any of the disasters set forth in the 10:27:34 2 statute, have powerlines ever been deemed a 10:27:37 3 condition for which federal assistance is 10:27:44 4 provided by FEMA? 10:27:46 5 MR. TYE: United States objects 10:27:47 6 to that question as beyond the scope 10:27:48 7 of the 30(b)(6) notice. 10:27:49 8 The witness can answer in his 10:27:50 9 personal knowledge for this issue, but 10:27:53 10 the testimony is not in his 30(b)(6) 10:27:54 11 capacity on behalf of FEMA. 10:27:58 12 MR. GOODMAN: Again, we 10:27:59 13 disagree. 10:28:00 14 A. We would not have provided 10:28:01 15 federal assistance for faulty powerlines 10:28:24 16 absent a major disaster declaration. 10:28:27 17 Q. Okay. Thank you. 10:28:29 18 MR. GOODMAN: Let's go ahead and 10:28:32 19 mark Exhibit 3. 10:28:33 20 [Deposition Exhibit 3 marked for 10:29:09 21 identification.] 10:29:11 22 MR. GOODMAN: 10:29:17 23 Q. Can you identify this document? 10:29:17 24 MR. TYE: Go ahead and take your 10:29:20 25 time to look through it if you need 10:29:21</p>

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<p>Page 54</p> <p>1 And also for -- we're currently 10:25:09 2 in the process of some more projects after 10:25:14 3 Super Typhoon Yutu, which also impacted the 10:25:17 4 commonwealth of the Northern Mariana 10:25:20 5 Islands. I believe that was in 2018. 10:25:23 6 Q. Okay. 10:25:25 7 Can you identify any situation 10:25:27 8 where federal assistance was provided by 10:25:29 9 FEMA in the State of California for the sole 10:25:32 10 purpose of repairing and updating 10:25:36 11 transmission lines? 10:25:38 12 MR. TYE: Object to the form and 10:25:41 13 object to that question as beyond the 10:25:42 14 scope of the 30(b)(6) notice. 10:25:43 15 The witness can answer in his 10:25:44 16 personal knowledge for this issue, but 10:25:46 17 his testimony is not in his 30(b)(6) 10:25:48 18 capacity on behalf of FEMA. 10:25:50 19 A. I am not aware of any projects 10:25:52 20 within California specific to replacing or 10:25:54 21 upgrading powerlines without a major 10:26:02 22 disaster declaration or emergency 10:26:04 23 declaration. 10:26:06 24 Q. Okay. 10:26:06 25 Are faulty powerlines in the 10:26:08</p>	<p>Page 55</p> <p>1 or any of the disasters set forth in the 10:27:34 2 statute, have powerlines ever been deemed a 10:27:37 3 condition for which federal assistance is 10:27:44 4 provided by FEMA? 10:27:46 5 MR. TYE: United States objects 10:27:47 6 to that question as beyond the scope 10:27:48 7 of the 30(b)(6) notice. 10:27:49 8 The witness can answer in his 10:27:50 9 personal knowledge for this issue, but 10:27:53 10 the testimony is not in his 30(b)(6) 10:27:54 11 capacity on behalf of FEMA. 10:27:58 12 MR. GOODMAN: Again, we 10:27:59 13 disagree. 10:28:00 14 A. We would not have provided 10:28:01 15 federal assistance for faulty powerlines 10:28:24 16 absent a major disaster declaration. 10:28:27 17 Q. Okay. Thank you. 10:28:29 18 MR. GOODMAN: Let's go ahead and 10:28:32 19 mark Exhibit 3. 10:28:33 20 [Deposition Exhibit 3 marked for 10:29:09 21 identification.] 10:29:11 22 MR. GOODMAN: 10:29:17 23 Q. Can you identify this document? 10:29:17 24 MR. TYE: Go ahead and take your 10:29:20 25 time to look through it if you need 10:29:21</p>
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<p>1 to. 10:29:23</p> <p>2 [Pause.] 10:29:49</p> <p>3 A. It appears to be a copy of the 10:29:49</p> <p>4 Proof of Claim filed by FEMA for the 2017 10:29:51</p> <p>5 Northern California Wildfires, absent the 10:29:57</p> <p>6 supporting documentation that was provided. 10:30:01</p> <p>7 Q. Is this a document you reviewed 10:30:12</p> <p>8 in preparation for today's deposition? 10:30:13</p> <p>9 A. Yes. 10:30:17</p> <p>10 Q. Okay. 10:30:17</p> <p>11 And you're aware that FEMA has 10:30:19</p> <p>12 filed a proof of claim in PG&E's bankruptcy 10:30:20</p> <p>13 for damages relating to certain of the 2017 10:30:23</p> <p>14 North Bay Fires? 10:30:27</p> <p>15 A. Yes. 10:30:27</p> <p>16 Q. And they refer to this as the 10:30:33</p> <p>17 North Bay Fires claim or Exhibit 3. Are you 10:30:35</p> <p>18 comfortable with knows terms? 10:30:39</p> <p>19 A. I'm comfortable with those terms 10:30:41</p> <p>20 as long as we understand that, to me, "North 10:30:42</p> <p>21 Bay" refers to Sonoma, Mendocino, Lake and 10:30:47</p> <p>22 Napa Counties. There were three other 10:30:52</p> <p>23 counties which received disaster assistance 10:30:54</p> <p>24 for this disaster declaration that were also 10:30:55</p> <p>25 included in this proof of claim. 10:30:59</p>	<p>1 A. So the vast majority of 10:31:53</p> <p>2 disasters that are declared by the 10:31:58</p> <p>3 president, if not almost all of them, are 10:32:00</p> <p>4 naturally occurring events for which there 10:32:02</p> <p>5 is no potentially responsible party. So 10:32:04</p> <p>6 it's a bit outside the normal process for 10:32:06</p> <p>7 us. But if we were to become aware of a 10:32:09</p> <p>8 potentially responsible party, then we would 10:32:13</p> <p>9 have to evaluate whether we should take 10:32:15</p> <p>10 action to recover costs or not. 10:32:18</p> <p>11 Q. Do you know who at FEMA would 10:32:23</p> <p>12 make the decision to assert a claim like 10:32:25</p> <p>13 this? 10:32:28</p> <p>14 MR. TYE: Object to the form. 10:32:29</p> <p>15 A. It would be a joint decision by 10:32:32</p> <p>16 numerous agency officials. 10:32:37</p> <p>17 Q. Okay. 10:32:41</p> <p>18 So it's a committee at FEMA that 10:32:41</p> <p>19 would make the decision? 10:32:44</p> <p>20 MR. TYE: Object to the form. 10:32:45</p> <p>21 A. I wouldn't call it a committee. 10:32:53</p> <p>22 It would just be a group of senior agency 10:32:54</p> <p>23 officials. 10:32:58</p> <p>24 Q. Okay. 10:33:01</p> <p>25 In this case who would those 10:33:04</p>
<p>Page 58</p> <p>1 Q. Okay. 10:30:59</p> <p>2 When I used the phrase "North 10:31:01</p> <p>3 Bay Fires claim" I'm using it to refer to 10:31:04</p> <p>4 this document -- 10:31:06</p> <p>5 A. Okay. That's fine. 10:31:06</p> <p>6 Q. -- the FEMA Fire -- okay. Okay. 10:31:07</p> <p>7 Before we get to Exhibit 3 I 10:31:12</p> <p>8 have some questions about the process for 10:31:14</p> <p>9 filing a claim like this. 10:31:15</p> <p>10 Does FEMA have a process to 10:31:18</p> <p>11 determine whether to assert a claim to 10:31:19</p> <p>12 recover disaster payments? 10:31:24</p> <p>13 MR. TYE: Object to the form and 10:31:25</p> <p>14 object to that question as beyond the 10:31:26</p> <p>15 scope of the 30(b)(6) notice. 10:31:27</p> <p>16 The witness can answer in his 10:31:28</p> <p>17 personal knowledge for this issue, but 10:31:29</p> <p>18 the testimony is not in his 30(b) 10:31:31</p> <p>19 capacity on behalf of FEMA. 10:31:33</p> <p>20 A. We do not have an established 10:31:36</p> <p>21 process. We would evaluate each disaster on 10:31:40</p> <p>22 a case-by-case basis. 10:31:42</p> <p>23 Q. What do you mean by case-by-case 10:31:44</p> <p>24 basis? 10:31:46</p> <p>25 MR. TYE: Same objection. 10:31:47</p>	<p>Page 60</p> <p>1 individuals be? 10:33:06</p> <p>2 MR. TYE: Object to the form. 10:33:07</p> <p>3 A. The primary official that would 10:33:11</p> <p>4 ultimately make the decision would be our 10:33:12</p> <p>5 chief counsel. 10:33:14</p> <p>6 Q. And who is that? 10:33:16</p> <p>7 A. His name is Adrian Sevier, 10:33:17</p> <p>8 S-E-V-I-E-R. 10:33:20</p> <p>9 Q. Okay. 10:33:21</p> <p>10 And who else would be a part of 10:33:23</p> <p>11 that process? 10:33:25</p> <p>12 A. He would consult with, at a 10:33:25</p> <p>13 minimum, officials within the department of 10:33:31</p> <p>14 Homeland Security, Office of General Counsel 10:33:33</p> <p>15 and -- since FEMA falls within DHS, and 10:33:37</p> <p>16 within FEMA with the -- and I apologize but 10:33:43</p> <p>17 I -- I'm blanking on the official title, but 10:33:50</p> <p>18 it's either assistant administrator or 10:33:53</p> <p>19 associate administrator of our Office of 10:33:57</p> <p>20 Response and Recovery which is the office 10:34:00</p> <p>21 that administers our major disaster 10:34:01</p> <p>22 declaration-related assistance programs. 10:34:02</p> <p>23 Those would have been the 10:34:09</p> <p>24 primary officials with an interest in the 10:34:10</p> <p>25 decision. 10:34:13</p>

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1 Q. And do you know who it was at 10:34:16
2 the Department of Homeland Security that was 10:34:17
3 involved with in claim? 10:34:20
4 A. I do not know who Mr. Sevier 10:34:21
5 consults with at that level. 10:34:24
6 Q. Okay. 10:34:25
7 Does FEMA have any guidelines 10:34:27
8 that it used to assess claims to recover 10:34:31
9 disaster-related payments? 10:34:32
10 MR. TYE: Object to the form and 10:34:33
11 object to that question as beyond the 10:34:34
12 scope of the 30(b)(6) notice. 10:34:36
13 The witness can answer as to his 10:34:38
14 personal knowledge for this issue, but 10:34:39
15 his testimony is not in his 30(b)(6) 10:34:39
16 capacity on behalf of FEMA. 10:34:42
17 A. No, we do not have a specific 10:34:45
18 procedure. 10:34:47
19 Q. Okay. 10:34:47
20 Is there a published policy that 10:34:49
21 explains when FEMA will assert a claim to 10:34:51
22 recover disaster-related payments? 10:34:55
23 MR. TYE: Again, United States 10:34:56
24 objects to this question as beyond the 10:34:57
25 scope of the 30(b)(6) notice. 10:34:59

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1 claim against PG&E? 10:35:47
2 MR. TYE: Same objections. 10:35:48
3 A. Once it became clear to us that 10:35:56
4 there was potential liability from PG&E, 10:35:59
5 there were discussions within the office of 10:36:04
6 chief counsel about whether to assert a 10:36:07
7 claim and -- which included discussions with 10:36:09
8 the other officials I mentioned. And 10:36:16
9 ultimately a decision was made and the claim 10:36:21
10 was asserted. 10:36:22
11 Q. Would that process involve some 10:36:26
12 type of investigation or inquiry? 10:36:28
13 MR. TYE: Object to that 10:36:30
14 question to the extent it asks for 10:36:31
15 materials covered by the deliberative 10:36:32
16 process privilege. Also object to 10:36:36
17 that question as beyond the scope of 10:36:38
18 the 30(b)(6) notice. 10:36:40
19 The witness can answer in his 10:36:41
20 personal knowledge for this issue, but 10:36:42
21 the testimony is not in his 30(b)(6) 10:36:43
22 capacity on behalf of FEMA. 10:36:46
23 A. Sorry, I'm just not clear by -- 10:36:55
24 can -- should respond to deliberative 10:36:58
25 questions -- 10:37:00

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1 The witness can answer as to his 10:35:00
2 personal knowledge for this issue, but 10:35:02
3 the testimony is not within his 10:35:04
4 30(b)(6) capacity on behalf of FEMA. 10:35:05
5 A. No, there is no public policy. 10:35:08
6 Q. Okay. 10:35:11
7 In this case what process did 10:35:11
8 FEMA follow to determine whether to assert a 10:35:13
9 claim against PG&E? 10:35:16
10 MR. TYE: Object to the form. 10:35:18
11 I also caution the witness not 10:35:19
12 to get into anything that is covered 10:35:21
13 by deliberate process privilege. 10:35:23
14 And also object to this question 10:35:26
15 as beyond the scope of his 30(b)(6) 10:35:27
16 notice. 10:35:28
17 The witness can answer as to 10:35:29
18 personal knowledge for this issue but 10:35:31
19 is not in his 30(b)(6) capacity on 10:35:32
20 behalf of FEMA. 10:35:35
21 A. Can you just repeat the question 10:35:40
22 one more time? 10:35:42
23 Q. Sure. 10:35:42
24 In this case what process did 10:35:43
25 FEMA follow to determine whether to assert a 10:35:44

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1 Q. Let me rephrase. 10:37:02
2 So FEMA doesn't go around filing 10:37:04
3 claims in bankruptcy proceedings without 10:37:06
4 first performing some inquiry; correct? 10:37:08
5 MR. TYE: Object to the form. 10:37:10
6 Also object to that question as beyond 10:37:11
7 the scope of the 30(b)(6) notice. 10:37:12
8 The witness can answer in his 10:37:14
9 personal knowledge for this issue but 10:37:15
10 the testimony is it not in his 10:37:16
11 30(b)(6) capacity on behalf of FEMA. 10:37:17
12 A. We conducted an internal 10:37:22
13 analysis of our -- of the facts of the case 10:37:23
14 to determine whether to assert a claim. 10:37:28
15 But, again, I think the details of any 10:37:32
16 internal analysis would be deliberative. 10:37:34
17 Q. Okay. 10:37:35
18 Do you know what documents or 10:37:38
19 information would have been considered as a 10:37:40
20 part of that inquiry? 10:37:42
21 MR. TYE: Again, object to that 10:37:46
22 question to the extent it asks for 10:37:46
23 materials covered by the deliberative 10:37:49
24 process privilege. We also object to 10:37:51
25 this question as beyond the scope of 10:37:52

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<p>1 his 30(b)(6) notice. 10:37:53 2 The witness can answer in his 10:37:54 3 personal knowledge for the issue, but 10:37:56 4 the testimony is not in his 30(b)(6) 10:37:58 5 capacity on behalf of FEMA. 10:38:01 6 A. I believe that all of the 10:38:10 7 documents we would have considered are 10:38:11 8 referenced within our proof of claim 10:38:14 9 documents and our responses to the 10:38:16 10 interrogatories. 10:38:18 11 Q. Good. Thank you. 10:38:19 12 Okay. Back to Exhibit 3, the 10:38:21 13 North Bay Fires claim. What is your 10:38:23 14 understanding as to FEMA's position 10:38:26 15 regarding its claim against PG&E related to 10:38:29 16 the North Bay Fires? 10:38:32 17 MR. TYE: Object to the form. 10:38:35 18 A. And could you just repeat one 10:38:37 19 more time, please? 10:38:40 20 Q. Yeah. 10:38:40 21 Again, what is your general 10:38:42 22 understanding as to FEMA's position 10:38:43 23 regarding a claim against PG&E as to the 10:38:45 24 North Bay Fires? 10:38:46 25 MR. TYE: Object to the form. 10:38:48</p>	<p>1 struggling because I don't understand what 10:40:04 2 you mean by "authorize." 10:40:06 3 Q. You mentioned Robert Fenton's 10:40:07 4 name. I'm trying to understand what role he 10:40:09 5 would have played in the process. 10:40:11 6 A. Mr. Fenton is the regional 10:40:13 7 administrator for FEMA Region IX, and so he 10:40:17 8 is the agency official that is delegated 10:40:20 9 authority and responsibility for 10:40:25 10 implementing FEMA's assistance programs for 10:40:27 11 the major disaster declarations that occur 10:40:29 12 in FEMA Region IX. 10:40:33 13 And so this particular disaster 10:40:36 14 recollection would have fallen under his 10:40:38 15 responsibility. So the decision was made 10:40:40 16 that he was the appropriate official to sign 10:40:42 17 on behalf of the agency for the claim. 10:40:48 18 Q. Okay. 10:40:50 19 Did FEMA perform any inquiry or 10:40:52 20 investigation prior to asserting the North 10:40:55 21 Bay Fires claim? 10:40:58 22 MR. TYE: Again, caution the 10:40:59 23 witness not to discuss anything 10:41:01 24 protected by deliberative process 10:41:02 25 privilege, and object to the form of 10:41:05</p>
<p>Page 66</p> <p>1 A. Well FEMA has asserted that the 10:38:52 2 debtor is liable to FEMA for the costs that 10:39:00 3 were -- reasonable costs that were incurred 10:39:04 4 by the agency in providing disaster 10:39:06 5 assistance for the noted fires related to 10:39:08 6 this major disaster declaration. 10:39:12 7 Q. Okay. 10:39:14 8 And was the filing of the North 10:39:15 9 Bay Fires claim authorized by someone at 10:39:19 10 FEMA? 10:39:21 11 A. Yes. 10:39:21 12 Q. Do you know who authorized it? 10:39:22 13 A. Well, as I mentioned before, 10:39:27 14 Mr. Sevier would have been the official 10:39:30 15 authorizing it. But as noted the official 10:39:33 16 that signed it was our regional 10:39:35 17 administrator, Robert Fenton. 10:39:37 18 Q. So did Robert Fenton authorize 10:39:42 19 the filing of the claim? 10:39:46 20 MR. TYE: Object to that 10:39:47 21 question. It covers materials subject 10:39:48 22 to deliberative process privilege. 10:39:52 23 Also object to the form of that 10:39:53 24 question. 10:39:55 25 A. Yeah, I guess I'm just 10:40:03</p>	<p>1 that question. 10:41:07 2 A. As I stated previously, with the 10:41:12 3 general question we performed an internal 10:41:15 4 analysis to determine whether to file such a 10:41:19 5 claim. 10:41:21 6 Q. Okay. 10:41:21 7 Did that analysis result in the 10:41:22 8 identification of any documents that FEMA 10:41:26 9 believes supports the North Bay Fire claim? 10:41:29 10 MR. TYE: Object to the form. 10:41:31 11 A. So, again, FEMA's proof of claim 10:41:36 12 is -- is based on the documents identified 10:41:40 13 in the proof of claim document itself, in 10:41:50 14 our interrogatory responses, including the 10:41:52 15 referenced CAL FIRE reports, CPUC reports. 10:41:56 16 We've also reviewed the findings 10:42:08 17 and reports related to the criminal 10:42:09 18 proceedings under Judge Alsup. And we would 10:42:12 19 also rely on any additional evidence that we 10:42:15 20 may develop in the course of this 10:42:17 21 litigation. 10:42:19 22 Q. Okay. 10:42:19 23 Sitting here today as the Rule 10:42:26 24 30(b)(6) designee for FEMA, can you identify 10:42:29 25 the facts that support FEMA's contention 10:42:31</p>

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1 that PG&E is liable to FEMA for the amount 10:42:33
 2 set forth in the North Bay Fires claim? 10:42:36
 3 A. Again, that evidence is all 10:42:39
 4 presented in our proof of claim documents, 10:42:42
 5 our responses to the interrogatories, which 10:42:44
 6 includes the Cal -- publicly available 10:42:47
 7 CAL FIRE and CPUC reports related to these 10:42:50
 8 fires, and the criminal proceedings under 10:42:54
 9 Judge Alsup, and we would also rely on any 10:42:59
 10 additional evidence that is produced in the 10:43:02
 11 course of litigation. 10:43:06
 12 Q. So there is material that's 10:43:14
 13 outside the proof of claim form and the 10:43:16
 14 responses to the interrogatories that you're 10:43:19
 15 relying on? 10:43:20
 16 MR. TYE: Objection to the form. 10:43:24
 17 A. There is material that has yet 10:43:29
 18 to be developed in the course of litigation 10:43:32
 19 that we may rely upon. 10:43:33
 20 Q. Okay. 10:43:35
 21 But in terms of the information 10:43:35
 22 that you relied upon when the claim was 10:43:36
 23 filed is what I'm getting at. I'm trying to 10:43:40
 24 understand what documents FEMA was relying 10:43:43
 25 on at the time the claim was filed. Is all 10:43:45

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1 Q. Yeah, but the question is does 10:44:41
 2 the North Bay Fires claim accurately set 10:44:47
 3 forth the facts and legal theories that FEMA 10:44:49
 4 is it currently relying on in this 10:44:51
 5 proceeding? 10:44:53
 6 MR. TYE: Object to the form. 10:44:58
 7 A. The proof of claim document 10:45:01
 8 specifically? 10:45:03
 9 Q. Yeah. 10:45:03
 10 A. It does set forth the factual 10:45:09
 11 basis. There are additional supporting 10:45:13
 12 documentations as referenced in our 10:45:15
 13 interrogatories, including the publicly 10:45:17
 14 available reports. 10:45:18
 15 Q. Are there any new legal theories 10:45:20
 16 that we haven't heard of yet? Beyond -- 10:45:22
 17 MR. TYE: Object to the form and 10:45:28
 18 object to that question. Anything 10:45:30
 19 regarding legal theories doesn't have 10:45:31
 20 anything to do with the factual basis 10:45:32
 21 of any of our claims. And object to 10:45:34
 22 that as beyond the scope of the 10:45:35
 23 30(b)(6) notice. 10:45:37
 24 The witness can answer in his 10:45:38
 25 personal knowledge for this issue, but 10:45:39

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1 of that set forth in the proof of claim 10:43:48
 2 form? 10:43:53
 3 MR. TYE: Object to form. 10:43:53
 4 A. It would be those identified in 10:43:59
 5 the proof of claim but also in our responses 10:44:02
 6 to the interrogatories as well. 10:44:05
 7 Q. Okay. 10:44:05
 8 A. Which also references the 10:44:08
 9 publicly available reports which we've 10:44:10
 10 incorporated by reference. 10:44:12
 11 Q. Okay. 10:44:13
 12 Does the North Bay Fires claim 10:44:16
 13 accurately set forth the facts and legal 10:44:17
 14 theories that FEMA is relying on in this 10:44:20
 15 proceeding? 10:44:22
 16 MR. TYE: Object to the form of 10:44:24
 17 that question. 10:44:25
 18 A. Again, we're relying on not just 10:44:27
 19 the proof of claim but also our responses to 10:44:30
 20 the interrogatories, the publicly available 10:44:31
 21 reports that are referenced, the 10:44:33
 22 proceeding -- the criminal proceedings 10:44:35
 23 related to Judge Alsup and any additional 10:44:36
 24 evidence that we might develop in the course 10:44:39
 25 of litigation. 10:44:41

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1 this testimony is it not in his 10:45:41
 2 30(b)(6) capacity on behalf of FEMA. 10:45:43
 3 A. I would have to consult with the 10:45:45
 4 Department Justice to determine if there is 10:45:47
 5 any other legal theories that we would 10:45:49
 6 assert. 10:45:50
 7 Q. Okay. 10:45:50
 8 Are there any other material 10:45:51
 9 facts that are omitted from the North Bay 10:45:52
 10 Fires claim? 10:45:55
 11 MR. TYE: Object to the form. 10:45:56
 12 A. As of right now there would be 10:46:10
 13 potentially additional evidence available 10:46:12
 14 developed in the course of litigation. But 10:46:14
 15 I would also note that the federal 10:46:17
 16 government's requested the evidence 10:46:19
 17 available from the TCC, which we have yet to 10:46:20
 18 receive. 10:46:22
 19 Q. Okay. 10:46:25
 20 So are you saying that there are 10:46:28
 21 material facts that are omitted from the 10:46:30
 22 North Bay Fires claim? 10:46:32
 23 MR. TYE: Objection, asked and 10:46:35
 24 answered. 10:46:36
 25 A. There is additional evidence 10:46:42

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<p>1 that may be developed in the course of 10:46:44 2 litigation that we may also rely upon. 10:46:45 3 Q. Okay. 10:46:47 4 So aside from that, is there any 10:46:49 5 material facts that you are aware of 10:46:52 6 currently that is omitted from the North Bay 10:46:54 7 Fires claim? 10:46:56 8 MR. TYE: Object to the form. 10:46:57 9 A. Again, I would also have to 10:47:03 10 refer back to our interrogatory responses 10:47:05 11 and the publicly available reports that are 10:47:07 12 referenced throughout. 10:47:11 13 Q. Okay. 10:47:15 14 MR. GOODMAN: Go ahead and mark 10:47:16 15 Exhibit Number 4. 10:47:17 16 THE WITNESS: Can we take a 10:47:18 17 really quick break. Is this an okay 10:47:20 18 time? 10:47:20 19 MR. GOODMAN: Of course, yeah. 10:47:20 20 Go off the record for a few. 10:47:22 21 THE VIDEOGRAPHER: Stand by the 10:47:24 22 microphones, please. 10:47:25 23 This marks the end of media 10:47:26 24 number 1. Going off the record at 10:47:28 25 10:47 a.m. 10:47:33</p>	<p>1 asserted a claim against PG&E for damages 11:02:36 2 caused by the 2015 Butte Fire? 11:02:38 3 A. Yes. 11:02:38 4 Q. And was the filing of the Butte 11:02:43 5 Fire claim authorized by someone at FEMA? 11:02:46 6 A. Yes. 11:02:46 7 Q. Okay. 11:02:46 8 Do you know who authorized it? 11:02:52 9 Was it different from who would have 11:02:53 10 authorized the North Bay Fire claim or are 11:02:55 11 they all authorized by the same person? 11:02:58 12 A. It would have been the same 11:02:59 13 officials for all three claims. 11:03:01 14 Q. Thank you. 11:03:03 15 What is your understanding as to 11:03:04 16 FEMA's position regarding the Butte Fire 11:03:06 17 claim? 11:03:09 18 MR. TYE: Object to the form. 11:03:10 19 A. So FEMA -- again, FEMA's 11:03:15 20 position also related to the Butte Fire 11:03:16 21 claim is that the debtor is liable to the 11:03:19 22 agency for the reasonable costs incurred in 11:03:22 23 providing disaster assistance to state and 11:03:25 24 local governments and individuals. 11:03:31 25 Q. Okay. 11:03:33</p>
<p>1 [Recess at 10:47 a.m.] 10:47:34 2 [Resuming at 11:01 a.m.] 11:01:12 3 THE VIDEOGRAPHER: We are back 11:01:14 4 on the record at 11:01 a.m., and this 11:01:21 5 marks the beginning of media number 2 11:01:26 6 in the deposition of John-Paul 11:01:27 7 Henderson. 11:01:31 8 MR. GOODMAN: I'm going to go 11:01:31 9 ahead and mark Exhibit 4, which is the 11:01:33 10 Butte Fire claim. 11:01:37 11 [Deposition Exhibit 4 marked for 11:01:53 12 identification.] 11:01:55 13 EXAMINATION CONTINUING 11:01:55 14 MR. GOODMAN: 11:01:55 15 Q. Can you identify this document? 11:02:00 16 A. Yes, this is the proof of claim 11:02:13 17 that FEMA filed related to the Butte Fire, 11:02:14 18 again absent the additional supporting 11:02:20 19 documentations that was previously attached. 11:02:23 20 Q. I may refer to this as the 11:02:26 21 "Butte Fire claim," this document. Are you 11:02:28 22 comfortable with that term? 11:02:31 23 A. Yes. 11:02:31 24 Q. Okay. 11:02:31 25 Are you aware that FEMA has 11:02:34</p>	<p>1 Did FEMA perform any inquiry 11:03:33 2 prior to asserting the Butte Fire claim? 11:03:35 3 MR. TYE: Object to the form and 11:03:40 4 object to that question to the extent 11:03:41 5 that it gets into anything covered by 11:03:43 6 the deliberative process privilege. 11:03:44 7 A. So similar to the prior claim we 11:03:49 8 discussed, we would have done our own 11:03:52 9 internal analysis. All three of the proofs 11:03:54 10 of claim would have followed the same 11:04:01 11 process. 11:04:03 12 Q. Okay. 11:04:03 13 Did that analysis result in the 11:04:04 14 identification of any documents that are not 11:04:06 15 referenced in the proof of claim form and 11:04:07 16 the related attachment? 11:04:10 17 MR. TYE: Object to the form and 11:04:12 18 object to that question to the extent 11:04:14 19 it asks for material covered by 11:04:15 20 deliberative process privilege. 11:04:17 21 A. So we would have relied again on 11:04:21 22 what's inside our proof of claim documents 11:04:22 23 as well as the responses to the discovery 11:04:26 24 requests, including the referenced 11:04:28 25 CAL FIRE/CPUC publicly available reports and 11:04:31</p>

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<p>1 the criminal proceedings under Judge Alsup. 11:04:37 2 Q. Okay. 11:04:40 3 The discovery responses, though, 11:04:44 4 were provided after the proof of claim form 11:04:45 5 was filed; correct? 11:04:47 6 A. Correct. 11:04:48 7 Q. So the question is as of the 11:04:51 8 point in time when the proof of claim form 11:04:52 9 was filed by FEMA, are the documents that 11:04:55 10 FEMA had identified in the course of its 11:05:00 11 inquiry all referenced in the proof of claim 11:05:03 12 form? 11:05:06 13 MR. TYE: Object to the form. 11:05:07 14 A. So at the time of the filing of 11:05:15 15 the claim, we would have been relying on the 11:05:16 16 documents identified in the proof of claim 11:05:18 17 as well as any of the publicly available 11:05:19 18 CAL FIRE/CPUC reports and the -- anything 11:05:23 19 available from the criminal proceedings as 11:05:28 20 well. 11:05:29 21 Q. So sitting here today as the 11:05:42 22 Rule 30(b)(6) designee for FEMA, can you 11:05:44 23 identify the facts that support FEMA's 11:05:47 24 contention that PG&E is liable to FEMA for 11:05:49 25 the amount set forth in the Butte Fire 11:05:52</p>	<p>1 you mean requests or responses? 11:07:10 2 A. No, responses to the 11:07:13 3 interrogatories and the requests for 11:07:13 4 admission for both the TCC and the UCC. 11:07:15 5 Q. So were there facts that are set 11:07:19 6 forth in the discovery responses that were 11:07:22 7 not included in the proof of claim form? 11:07:25 8 A. The -- 11:07:27 9 MR. TYE: Object to the form of 11:07:34 10 that question. 11:07:35 11 A. The interrogatory responses 11:07:36 12 provide additional information and 11:07:39 13 references. But, again, that's all related 11:07:42 14 to the publicly available CAL FIRE and CPUC 11:07:45 15 reports. 11:07:49 16 Q. Are there any specific documents 11:07:51 17 or facts that are referenced in the 11:07:54 18 discovery responses that are not also 11:07:56 19 included in the proof of claim form? 11:07:58 20 MR. TYE: Object to the form. 11:08:04 21 A. I believe there are some -- I 11:08:05 22 know there are some reports that are quoted 11:08:10 23 in the interrogatory responses that are not 11:08:12 24 also quoted in the proof of claim document. 11:08:15 25 Q. Do you recall what those are? 11:08:18</p>
<p>Page 78</p> <p>1 claim? 11:05:55 2 A. All of the facts that would 11:05:58 3 support our claim are identified in our 11:06:00 4 proof of claim document or in our written 11:06:04 5 discovery requests or in the publicly 11:06:06 6 available reports from CAL FIRE or CPUC, the 11:06:09 7 criminal proceedings under Judge Alsup, and 11:06:12 8 we may also rely on additional evidence 11:06:14 9 developed during the course of litigation. 11:06:17 10 Q. Okay. 11:06:18 11 Does the Butte Fire claim 11:06:28 12 accurately set forth the facts that FEMA is 11:06:34 13 relying on in this proceeding at this time? 11:06:37 14 MR. TYE: Object to the form of 11:06:41 15 that question. 11:06:42 16 A. So as stated previously, we're 11:06:44 17 also relying on information provided in the 11:06:47 18 written discovery requests, including all of 11:06:49 19 the publicly available reports and anything 11:06:51 20 else that may come out/be developed in the 11:06:55 21 course of the litigation. 11:06:58 22 MR. TYE: Just for clarification 11:06:58 23 there, you've been saying "the written 11:07:03 24 discovery requests" on the last couple 11:07:05 25 of questions. Could you clarify if 11:07:07</p>	<p>Page 80</p> <p>1 A. There are some specific 11:08:22 2 references to some of the CPUC reports. 11:08:27 3 Q. Other than the CPUC reports can 11:08:30 4 you think of any other documents? 11:08:32 5 MR. TYE: Object to the form. 11:08:38 6 A. I know there's also a reference 11:08:39 7 to one of the filings in the criminal 11:08:41 8 proceedings, and then as we've noted in the 11:08:45 9 interrogatories we're also incorporating by 11:08:48 10 reference all of the other publicly 11:08:50 11 available CAL FIRE and CPUC reports. 11:08:52 12 Q. Okay. 11:08:55 13 Are the documents that you're 11:08:56 14 referring to in the criminal proceedings a 11:08:57 15 matter of public record at this time? 11:08:59 16 A. The ones we would be relying on 11:09:04 17 are those that are available publicly. 11:09:07 18 Q. Okay. So there are no documents 11:09:09 19 that would not be publicly available that 11:09:10 20 you're relying on at this time? 11:09:12 21 MR. TYE: Object to the form. 11:09:15 22 A. There are no documents that we 11:09:18 23 would have reviewed up to this point that 11:09:20 24 are not publicly available. But, again, 11:09:22 25 additional evidence may be developed in the 11:09:27</p>

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<p>1 course of the litigation. 11:09:28</p> <p>2 MR. GOODMAN: Go ahead and mark 11:09:30</p> <p>3 Exhibit 5. 11:09:31</p> <p>4 [Deposition Exhibit 5 marked for 11:09:56</p> <p>5 identification.] 11:09:58</p> <p>6 MR. GOODMAN: 11:10:24</p> <p>7 Q. Can you identify this document? 11:10:24</p> <p>8 A. Yes, this is the proof of claim 11:10:26</p> <p>9 filed by FEMA related to the Camp Fire. 11:10:28</p> <p>10 And, again, as noted with the other 11:10:33</p> <p>11 exhibits, it does not include the supporting 11:10:37</p> <p>12 documentation that was filed with the proof 11:10:40</p> <p>13 of claim. 11:10:41</p> <p>14 Q. Okay. If we refer to this as 11:10:43</p> <p>15 the Camp Fire claim or Exhibit 5, are you 11:10:46</p> <p>16 comfortable with that term? 11:10:48</p> <p>17 A. Yes. 11:10:50</p> <p>18 Q. Okay. 11:10:50</p> <p>19 You're aware that someone -- 11:10:51</p> <p>20 strike that. 11:10:52</p> <p>21 You are aware that FEMA has 11:10:53</p> <p>22 asserted a claim against PG&E for damages 11:10:54</p> <p>23 resulting from the 2018 Camp Fire? 11:10:57</p> <p>24 A. Yes. 11:11:02</p> <p>25 Q. What is your understanding as to 11:11:02</p>	<p>1 A. Similar to my response to the 11:11:59</p> <p>2 other questions, the documents would be 11:12:01</p> <p>3 relied upon or identified in the proof of 11:12:03</p> <p>4 claim as well as our responses to the 11:12:05</p> <p>5 interrogatories and requests for admission, 11:12:09</p> <p>6 such as the publicly available CAL FIRE and 11:12:12</p> <p>7 CPUC reports, the publicly available 11:12:16</p> <p>8 documents from the criminal proceedings 11:12:18</p> <p>9 under Judge Alsup, and any additional 11:12:19</p> <p>10 evidence we may develop in the course of 11:12:23</p> <p>11 litigation. 11:12:25</p> <p>12 Q. You may have the same answer to 11:12:50</p> <p>13 this question, but I'll ask it. 11:12:51</p> <p>14 What evidence did FEMA consider 11:12:53</p> <p>15 in determining whether to assert the Camp 11:12:55</p> <p>16 Fire claim? 11:12:58</p> <p>17 MR. TYE: Object to that 11:12:59</p> <p>18 question to the extent it asks for 11:12:59</p> <p>19 material covered by the deliberative 11:13:01</p> <p>20 process privilege. 11:13:02</p> <p>21 A. Again, we would have relied on 11:13:05</p> <p>22 the evidence identified in the proof of 11:13:07</p> <p>23 claim, any publicly available reports from 11:13:09</p> <p>24 CAL FIRE or CPUC or publicly available 11:13:13</p> <p>25 reports from the criminal proceedings that 11:13:16</p>
<p>Page 82</p> <p>1 FEMA's position regarding the Camp Fire 11:11:04</p> <p>2 claim? 11:11:06</p> <p>3 MR. TYE: Object to the form. 11:11:09</p> <p>4 A. Similar to the other proofs of 11:11:10</p> <p>5 claim, FEMA asserts that the debtor is 11:11:12</p> <p>6 liable to the agency for reasonable costs 11:11:15</p> <p>7 incurred in providing disaster assistance 11:11:18</p> <p>8 related to the major disaster declaration. 11:11:22</p> <p>9 Q. And did FEMA perform an inquiry 11:11:25</p> <p>10 prior to asserting the Camp Fire claim? 11:11:27</p> <p>11 A. We would have done a similar 11:11:30</p> <p>12 analysis as the other claims previously 11:11:32</p> <p>13 discussed. 11:11:34</p> <p>14 Q. Was it the same group of people 11:11:38</p> <p>15 as performed the analysis for the North Bay 11:11:39</p> <p>16 Fires claim and the Butte Fire claim? 11:11:43</p> <p>17 A. Yes. 11:11:43</p> <p>18 Q. Okay. 11:11:43</p> <p>19 Did that inquiry result in the 11:11:46</p> <p>20 identification of any specific documents 11:11:49</p> <p>21 that support the Camp Fire claim? 11:11:50</p> <p>22 MR. TYE: Object to the question 11:11:53</p> <p>23 to the extent it asks for material 11:11:54</p> <p>24 covered by deliberative process 11:11:56</p> <p>25 privilege. 11:11:58</p>	<p>Page 84</p> <p>1 were available at the time of the claim. 11:13:19</p> <p>2 Q. Okay. 11:13:21</p> <p>3 Have you ever heard of the word 11:13:48</p> <p>4 "arson" before? 11:13:51</p> <p>5 A. Yes, I have heard the word 11:13:54</p> <p>6 before. 11:13:55</p> <p>7 Q. Okay. 11:13:55</p> <p>8 What does the word "arson" mean 11:13:56</p> <p>9 to you? 11:13:58</p> <p>10 A. My understanding of the term 11:14:03</p> <p>11 "arson" is that it is a -- identified as a 11:14:04</p> <p>12 criminal act of setting something on fire. 11:14:15</p> <p>13 Q. Okay. 11:14:21</p> <p>14 What about the word "arsonist"? 11:14:22</p> <p>15 Have you heard that term used before? 11:14:24</p> <p>16 A. Yes. 11:14:24</p> <p>17 Q. What does the term "arsonist" 11:14:26</p> <p>18 mean to you? 11:14:28</p> <p>19 MR. TYE: Objection to form. 11:14:29</p> <p>20 A. Someone who commits arson. 11:14:34</p> <p>21 Q. Okay. 11:14:34</p> <p>22 Is FEMA claiming that PG&E or 11:14:36</p> <p>23 anyone that works for PG&E is an arsonist? 11:14:40</p> <p>24 MR. TYE: Object to the form. 11:14:45</p> <p>25 A. FEMA contends that the 11:14:50</p>

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1 intentional omissions of the debtor resulted 11:14:52
 2 in a condition related to the fires, but 11:14:55
 3 that does not include arson. 11:15:04
 4 Q. Okay. 11:15:05
 5 So just to make sure I have a 11:15:08
 6 clear answer to this question, just want to 11:15:10
 7 know: 11:15:14
 8 Is FEMA claiming that PG&E or 11:15:15
 9 anyone that works for PG&E is an arsonist? 11:15:17
 10 MR. TYE: Object to the form. 11:15:22
 11 A. So, again, FEMA's claim is that 11:15:24
 12 intentional omissions by PG&E resulted in 11:15:27
 13 the fires but not that anyone at PG&E is an 11:15:30
 14 arsonist. 11:15:32
 15 Q. Okay. 11:15:33
 16 Does FEMA contend that PG&E 11:15:35
 17 committed arson between 2015 and 2018? 11:15:38
 18 MR. TYE: Objection, calls for a 11:15:42
 19 legal conclusion. 11:15:43
 20 A. Again, FEMA's position is that 11:15:47
 21 intentional omissions by PG&E resulted in 11:15:49
 22 the fires, but that does not include 11:15:51
 23 committing arson. 11:15:54
 24 Q. Okay. 11:15:55
 25 Does FEMA contend that PG&E's 11:15:57

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1 in section 317, which, reading the entire 11:17:08
 2 statute, also uses the terminology 11:17:12
 3 "intentional acts and omissions." So to me 11:17:17
 4 the phrase "intentionally caused" means that 11:17:19
 5 if an entity's intentional acts or omissions 11:17:24
 6 caused something, then that's when section 11:17:30
 7 317 could be invoked. 11:17:33
 8 MR. GOODMAN: Okay. Let's go 11:17:37
 9 ahead and mark Exhibit 6. 11:17:37
 10 [Deposition Exhibit 6 marked for 11:17:44
 11 identification.] 11:17:46
 12 MR. GOODMAN: 11:18:18
 13 Q. Can you identify this document? 11:18:18
 14 A. Yes, this is the United States' 11:18:28
 15 Response to Official Committee of Tort 11:18:33
 16 Claimants First Set of Interrogatories. 11:18:36
 17 Q. Did you review this document in 11:18:39
 18 preparation for today's deposition? 11:18:40
 19 A. Yes. 11:18:40
 20 Q. Can you go to page number 6? 11:18:44
 21 A. Yes. 11:19:00
 22 Q. Do you see the reference to 11:19:00
 23 section 317 of the Stafford Act? 11:19:02
 24 A. Starting on line 17? 11:19:04
 25 Q. Yes. 11:19:04

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1 goal was to cause wildfires between 2015 and 11:16:00
 2 2018? 11:16:05
 3 MR. TYE: Object to the form. 11:16:07
 4 A. FEMA's position is that 11:16:12
 5 intentional omissions by PG&E resulted in 11:16:13
 6 wildfires during that time period but that 11:16:15
 7 was not the goal. 11:16:20
 8 Q. Have you ever heard of the 11:16:25
 9 phrase "intentionally caused" before? 11:16:26
 10 MR. TYE: Could you repeat the 11:16:29
 11 question? Sorry. 11:16:30
 12 Q. Have you ever heard the phrase 11:16:31
 13 "intentionally caused" before? 11:16:32
 14 A. Yes, I have. 11:16:39
 15 Q. Okay. 11:16:39
 16 What does that phrase mean to 11:16:39
 17 you? 11:16:41
 18 A. In the context of this, in the 11:16:41
 19 context of the Stafford Act, the phrase 11:16:46
 20 "intentionally caused" appears within 11:16:48
 21 section 317 of the Stafford Act. 11:16:51
 22 Q. Okay. 11:16:51
 23 But what does the phrase mean to 11:16:56
 24 you? 11:16:58
 25 A. Well, again, the phrase appears 11:17:07

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1 A. Yes. 11:19:06
 2 Q. Okay. 11:19:07
 3 Are you familiar with the 11:19:08
 4 Stafford Act? 11:19:09
 5 A. Yes, I am. 11:19:11
 6 Q. Okay. 11:19:11
 7 Are you familiar with section 11:19:12
 8 317 of the Stafford Act? 11:19:14
 9 A. Yes, I am. 11:19:16
 10 Q. Okay. 11:19:16
 11 In your view what does section 11:19:17
 12 317 of the Stafford Act provide for? 11:19:19
 13 MR. TYE: Objection, calls for a 11:19:22
 14 legal conclusion. The witness is here 11:19:24
 15 to provide the factual basis for the 11:19:25
 16 allegations. He's not here to provide 11:19:26
 17 what his understanding is of specific 11:19:28
 18 legal provisions. 11:19:29
 19 THE WITNESS: May I answer the 11:19:39
 20 question? 11:19:40
 21 MR. TYE: You can answer the 11:19:40
 22 question as to the factual basis, but 11:19:41
 23 to the extent it calls for a legal 11:19:43
 24 conclusion, that's neither here for 11:19:44
 25 there. 11:19:46

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<p>1 A. I'm not sure how I can answer 11:19:58 2 the question without drawing a legal 11:20:00 3 conclusion. But if you would like to 11:20:02 4 restate it? 11:20:04</p> <p>5 Q. The question is in your view 11:20:05 6 what does section 317 of the Stafford Act 11:20:06 7 provide for? 11:20:09</p> <p>8 A. Well, in summary it would 11:20:17 9 provide for the recovery of reasonable costs 11:20:20 10 incurred by FEMA in providing disaster 11:20:24 11 assistance where such costs are attributable 11:20:27 12 to the intentional act or omission of the 11:20:30 13 person who caused such condition. 11:20:32</p> <p>14 Q. Okay. Do you see the first 11:20:35 15 sentence on line 24 of page 6? 11:20:36</p> <p>16 A. I'm sorry, what was that 11:20:39 17 reference again? 11:20:43</p> <p>18 Q. Line 24 on page 6. I'll read it 11:20:44 19 for you. 11:20:46</p> <p>20 A. Okay, yes. 11:20:47</p> <p>21 Q. It says: 11:20:47 22 "As used in the statute" -- 11:20:48 23 which I believe is referring to section 317 11:20:50 24 of the Stafford Act -- "intentionally" does 11:20:52 25 not require a specific intent to cause 11:20:55</p>	<p>1 proofs of claim that it has filed against 11:21:54 2 PG&E? 11:21:57</p> <p>3 A. Well, as stated in the 11:21:58 4 interrogatory, FEMA does not believe that 11:22:00 5 the statute requires a specific intent to 11:22:02 6 cause harm, so we are not going to make such 11:22:04 7 an allegation. 11:22:07</p> <p>8 Q. Okay. 11:22:07</p> <p>9 Does FEMA have any evidence that 11:22:08 10 PG&E had a specific intent to cause harm in 11:22:12 11 relation to the wildfires for which proofs 11:22:16 12 of claim have been filed? 11:22:19</p> <p>13 A. So, again, our reading of the 11:22:21 14 statute is that a specific intent to harm is 11:22:23 15 not required, so we will not make such an 11:22:25 16 allegation. 11:22:28</p> <p>17 Q. The question is, though, do you 11:22:29 18 have any evidence that would support that 11:22:30 19 allegation? 11:22:34</p> <p>20 A. We are not making the allegation 11:22:34 21 and have no evidence that would support such 11:22:39 22 an allegation. 11:22:41</p> <p>23 Q. Thank you. 11:22:42</p> <p>24 Does FEMA have any evidence that 11:22:49 25 PG&E had actual knowledge that any of the 11:22:51</p>
<p>Page 90</p> <p>1 harm." 11:20:58</p> <p>2 Do you see that? 11:21:00</p> <p>3 A. Yes. 11:21:01</p> <p>4 Q. Am I correct that FEMA's 11:21:01 5 position in this case is that the phrase 11:21:02 6 "intentionally" as used in section 317 of 11:21:04 7 the Stafford Act does not require a specific 11:21:07 8 intent to cause harm? 11:21:10</p> <p>9 Again, I'm just reading what's 11:21:22 10 there. 11:21:23</p> <p>11 A. Right. No, I know. 11:21:23</p> <p>12 So that's a -- I mean, that's a 11:21:25 13 legal conclusion but that is an accurate 11:21:26 14 statement of what was included in our 11:21:28 15 interrogatory response. 11:21:30</p> <p>16 Q. Okay. 11:21:30</p> <p>17 So am I correct that FEMA is not 11:21:33 18 contending that PG&E actually wanted to 11:21:35 19 destroy the town of Paradise, California? 11:21:38</p> <p>20 MR. TYE: Object to the form. 11:21:42</p> <p>21 A. That's correct we would not make 11:21:45 22 that allegation. 11:21:47</p> <p>23 Q. Okay. 11:21:47</p> <p>24 Does FEMA contend that PG&E had 11:21:48 25 a specific intent to cause harm in the 11:21:50</p>	<p>Page 92</p> <p>1 wildfires were going to happen before they 11:22:55 2 occurred? 11:22:57</p> <p>3 MR. TYE: Objection, calls for a 11:22:59 4 legal conclusion. 11:23:01</p> <p>5 A. The agency has evidence that the 11:23:06 6 debtor was on notice of the safety issues 11:23:11 7 and violations that were occurring that 11:23:14 8 could result in a wildfire occurring. 11:23:22</p> <p>9 Q. Okay. 11:23:25</p> <p>10 Are you familiar with the phrase 11:24:04 11 "intended to cause"? 11:24:07</p> <p>12 MR. TYE: Object to the form. 11:24:09</p> <p>13 A. I'm not familiar with where that 11:24:23 14 phrase comes from. 11:24:25</p> <p>15 Q. It's not in the document in 11:24:26 16 front of you. Let me -- let me rephrase. 11:24:28</p> <p>17 So when I use the phrase 11:24:30 18 "intended to cause," I generally mean the 11:24:32 19 actor desired a result based on -- or 11:24:34 20 desired a result to occur based on their 11:24:36 21 actions. So, for example, Eric pushed the 11:24:39 22 pen and intended it to fall off the table. 11:24:42</p> <p>23 Does that make sense to you? 11:24:45</p> <p>24 MR. TYE: Object to the form. 11:24:47</p> <p>25 A. It makes sense to me if you're 11:24:48</p>

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1	discussing an intentional act. It doesn't	11:24:50	1	A. Well, in regards to an	11:26:47
2	necessarily make sense to me if you're	11:24:52	2	intentional action, there could be other	11:26:51
3	discussing an intentional omission.	11:24:54	3	intentional actions that may occur that	11:27:00
4	Q. Okay.	11:24:55	4	aren't just setting a fire that could result	11:27:04
5	But you would understand it in	11:24:57	5	in that condition happening.	11:27:05
6	your reference to an intentional act?	11:24:58	6	Q. Okay.	11:27:09
7	MR. TYE: Object to the form.	11:25:01	7	The question though is would you	11:27:10
8	And objection to the extent it calls	11:25:03	8	agree that there is a difference between	11:27:11
9	for a legal conclusion.	11:25:04	9	intentionally performing an action that	11:27:14
10	A. In regards to an intentional	11:25:10	10	contributes to a wildfire happening and	11:27:17
11	act, I would understand what that would	11:25:12	11	intentionally setting a wildfire?	11:27:21
12	mean.	11:25:14	12	MR. TYE: Same objections as	11:27:23
13	Q. Okay.	11:25:15	13	previously asserted.	11:27:25
14	Well, let me frame it this way.	11:25:16	14	Also these questions are getting	11:27:25
15	A tree could not burn down in a	11:25:18	15	beyond the scope of the 30(b)(6)	11:27:27
16	wildfire unless it was first planted in the	11:25:21	16	notice.	11:27:29
17	ground. But just because you plant a tree	11:25:24	17	The witness can answer as to his	11:27:29
18	doesn't mean that you intend for a wildfire	11:25:26	18	personal knowledge, but this testimony	11:27:31
19	to happen. Correct?	11:25:28	19	is not in his 30(b)(6) capacity on	11:27:35
20	MR. TYE: Object to the form.	11:25:30	20	behalf of FEMA.	11:27:37
21	Object to the question to the extent	11:25:31	21	A. I suppose one could take an	11:27:42
22	that it calls for a legal conclusion.	11:25:33	22	intentional action that ends up setting a	11:27:44
23	He's here to provide the factual	11:25:35	23	fire even if they didn't intend for the fire	11:27:47
24	basis for the allegations in the	11:25:36	24	to happen.	11:27:52
25	claims. He's not here to provide a	11:25:39	25	Q. Okay. Thank you.	11:27:52

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1	legal opinion on what specific words	11:25:41	1	So with that I just want to be	11:28:00
2	in the statute mean.	11:25:45	2	clear: FEMA is not asserting that PG&E	11:28:04
3	A. Could you just give me your	11:25:51	3	intended for the Camp Fire or the North Bay	11:28:09
4	hypothetical one more time?	11:25:54	4	Fires or the Butte Fires to happen; is that	11:28:12
5	Q. Yeah.	11:25:55	5	correct?	11:28:15
6	A tree could not burn down in a	11:25:55	6	MR. TYE: Objection. That	11:28:15
7	wildfire unless it was first planted in the	11:25:57	7	question goes beyond the scope of the	11:28:17
8	ground, but just because you plant a tree	11:25:59	8	30(b)(6) notice.	11:28:19
9	does not mean that you intend for a wildfire	11:26:02	9	The witness can answer for his	11:28:20
10	to happen. Correct?	11:26:04	10	personal knowledge for the issue, but	11:28:21
11	MR. TYE: Same objections.	11:26:07	11	his testimony is not in his 30(b)(6)	11:28:23
12	Also it assumes facts not in	11:26:09	12	capacity on behalf of FEMA. He's here	11:28:23
13	evidence, calls for speculation.	11:26:10	13	to testify about the factual basis for	11:28:26
14	A. Yeah, I mean, I would want to	11:26:17	14	the allegations, not to make	11:28:27
15	know all of the facts before reaching a	11:26:22	15	conclusions, legal conclusions.	11:28:29
16	conclusion on that.	11:26:24	16	A. As stated previously FEMA's	11:28:32
17	Q. Okay.	11:26:25	17	allegation is that intentional omissions by	11:28:34
18	Would you agree that there is a	11:26:26	18	the debtor resulted in the fires, not that	11:28:36
19	difference between performing an action that	11:26:27	19	they directly set the fires themselves.	11:28:42
20	contributes to a wildfire happening and	11:26:28	20	Q. Okay.	11:28:47
21	intentionally setting a wildfire?	11:26:30	21	You keep referring to	11:28:48
22	MR. TYE: Same objections.	11:26:35	22	"intentional omissions." And my question is	11:28:49
23	Calls for a legal conclusion and	11:26:36	23	are you, FEMA, basing a proof of claim on	11:28:52
24	assumes facts not in evidence and	11:26:38	24	any intentional actions where the intent was	11:28:57
25	calls for speculation.	11:26:39	25	to cause a fire?	11:29:02

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<p>1 MR. TYE: Object to the form of 11:29:07 2 that question. Also object to that 11:29:08 3 question as beyond the scope of the 11:29:12 4 30(b)(6) notice. 11:29:13</p> <p>5 The witness can answer in his 11:29:14 6 personal knowledge for this issue, but 11:29:14 7 this testimony is not in his 30(b)(6) 11:29:17 8 capacity on behalf of FEMA. He's here 11:29:17 9 to talk about the factual basis for 11:29:21 10 the allegations, not to form any legal 11:29:22 11 conclusions. 11:29:25</p> <p>12 A. So, again, FEMA's position is 11:29:31 13 that the intentional omissions of the debtor 11:29:32 14 resulted in the unsafe operation of the 11:29:36 15 electrical grid. There may be some 11:29:40 16 intentional actions that occurred related to 11:29:43 17 that particular condition. 11:29:46</p> <p>18 Q. Can you go to page 7 of FEMA's 11:29:54 19 responses to interrogatories? 11:29:57</p> <p>20 A. Uh-huh. 11:29:58</p> <p>21 Q. Do you see the sentence that 11:29:58 22 begins on line 2? 11:29:59</p> <p>23 A. Yes. 11:30:03</p> <p>24 Q. I'll read this for you. It 11:30:04 25 says: 11:30:06</p>	<p>1 Is there anything else that FEMA 11:31:19 2 contends that PG&E intentionally did? 11:31:20</p> <p>3 MR. TYE: Object to the form of 11:31:27 4 that question. 11:31:28</p> <p>5 A. Well, the issue of me answering 11:31:33 6 that question is that those are fairly broad 11:31:35 7 categories. So I wouldn't want to limit the 11:31:37 8 scope of what we might consider under those. 11:31:39</p> <p>9 One example I would give is that 11:31:42 10 one of the issues would be the vegetation 11:31:43 11 management program. And while I would say 11:31:46 12 that would fall into some of those, I would 11:31:51 13 want to just make sure it's clear that even 11:31:53 14 though vegetation management isn't 11:31:57 15 specifically mentioned in that list, that's 11:31:58 16 an example of something that we would 11:32:00 17 consider falling under those broad 11:32:02</p> <p>18 categories. 11:32:04</p> <p>19 Q. Okay. 11:32:04</p> <p>20 So we have vegetation 11:32:05 21 management, failure to conduct critically 11:32:10 22 necessary repairs, failure to timely respond 11:32:14 23 to safety issues, failure to manage risk 11:32:16 24 effectively and failure to adequately 11:32:19 25 maintain poles and attachments. 11:32:21</p>
<p>Page 98</p> <p>1 "FEMA bases its claim on the 11:30:07 2 contention that PG&E's intentional acts 11:30:09 3 and/or omissions created the condition for 11:30:13 4 the extensive wildfire damage that ensued. 11:30:16 5 As related to the facts above, PG&E omitted 11:30:20 6 to, one, conduct critically necessary 11:30:24 7 repairs, two, timely respond to safety 11:30:27 8 issues, three, manage risk effectively and, 11:30:30 9 four, adequately maintain poles and 11:30:33 10 attachments." 11:30:35</p> <p>11 Do you see that? 11:30:37</p> <p>12 A. Uh-huh. I'm sorry. Yes, I do. 11:30:37</p> <p>13 Q. Okay. 11:30:39</p> <p>14 Beyond these four items is there 11:30:40 15 any other conduct that FEMA asserts provides 11:30:41 16 a factual basis for FEMA's claims under 11:30:45 17 section 317 of the Stafford Act? 11:30:47</p> <p>18 MR. TYE: Object to the form of 11:30:52 19 that question. 11:30:53</p> <p>20 Q. Let me rephrase that question. 11:31:01</p> <p>21 So we have failure to conduct 11:31:03 22 critically necessary repairs, failure to 11:31:06 23 timely respond to safety issues, failure to 11:31:09 24 manage risk effectively, and failure to 11:31:12 25 adequately maintain poles and attachments. 11:31:15</p>	<p>Page 100</p> <p>1 Is there anything else that FEMA 11:32:23 2 contends that PG&E intentionally did? 11:32:24</p> <p>3 MR. TYE: Object to the form. 11:32:27</p> <p>4 A. I mean, as I stated previously, 11:32:34 5 that captures the broad categories. But I 11:32:35 6 wouldn't want to limit the scope of specific 11:32:38 7 details that might fall in those. 11:32:40</p> <p>8 Q. Okay. 11:32:42</p> <p>9 Well, can you identify anything 11:32:45 10 else, sitting here today as the Rule 11:32:47</p> <p>11 30(b)(6) designee? 11:32:51</p> <p>12 MR. TYE: Object to the form of 11:32:55 13 that question. 11:32:58</p> <p>14 A. Another example would be 11:32:58 15 violations of state law that occurred, but I 11:33:17 16 would not really categorize that as an 11:33:24 17 omission. I would categorize that as 11:33:27 18 something else. So that's why I'm just 11:33:29 19 wanting to clarify that it's more than just 11:33:30 20 those four things that we would rely upon. 11:33:33</p> <p>21 Q. Okay. 11:33:33</p> <p>22 Other than that is there 11:33:37</p> <p>23 anything else? 11:33:37</p> <p>24 A. Nothing else I can identify at 11:33:46 25 this time. 11:33:48</p>

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<p>1 Q. Okay. 11:33:48 2 So just -- so I understand 11:33:48 3 FEMA's position, FEMA is contending that 11:33:50 4 PG&E intentionally failed to maintain its 11:33:54 5 equipment properly and the other things that 11:33:57 6 are referenced in 1 through 4 that we 11:34:00 7 discussed, but FEMA is not contending that 11:34:04 8 PG&E intentionally destroyed the town of 11:34:07 9 Paradise. Do I have that right? 11:34:10 10 MR. TYE: Object to the form of 11:34:13 11 that question. Objection, 11:34:14 12 mischaracterizes prior testimony. 11:34:15 13 A. So, again, as stated previously, 11:34:21 14 FEMA's position is that intentional 11:34:23 15 omissions by PG&E resulted in, in this case, 11:34:24 16 the Camp Fire. And so if you're using the 11:34:30 17 "intentionally caused" in that context, then 11:34:34 18 FEMA would be alleging that. 11:34:38 19 Q. Okay. 11:34:38 20 What do you mean by "intentional 11:34:40 21 omission"? 11:34:42 22 MR. TYE: Object to the form of 11:34:47 23 that question. Also object to the 11:34:48 24 extent it calls for a legal 11:35:00 25 conclusion. He's here to provide the 11:35:02</p>	<p>1 missing, but it should be "to." 11:36:07 2 -- to "take action could cause 11:36:07 3 or spread a wildfire, causing serious and 11:36:13 4 widespread injury, and still PG&E omitted to 11:36:15 5 act." 11:36:18 6 Q. So, again, I'm not clear on what 11:36:22 7 you mean by "intentional omission." You 11:36:25 8 keep using that in your responses. I don't 11:36:28 9 understand what you mean. 11:36:31 10 MR. TYE: Once again, I object 11:36:34 11 to the form and object to the extent 11:36:35 12 it calls for a legal conclusion. He's 11:36:36 13 here to provide the factual basis for 11:36:38 14 the allegations. 11:36:39 15 A. I think in summary intentional 11:36:45 16 omission, as the agency is using in this 11:36:50 17 case, was that the debtor had knowledge of 11:36:52 18 the issues identified related to the 11:36:57 19 electrical grid and did not take such action 11:37:03 20 to cure those issues even though it was 11:37:11 21 reasonably likely that that would cause a 11:37:17 22 fire to occur. 11:37:19 23 Q. Okay. 11:37:31 24 And is that part of the factual 11:37:32 25 basis for FEMA's claims against PG&E? 11:37:33</p>
<p>Page 102</p> <p>1 factual basis for the allegations. 11:35:04 2 A. Well, as stated in our 11:35:09 3 interrogatory on page 7 at line 7, it 11:35:11 4 states: 11:35:20 5 "PG&E actively and blatantly 11:35:21 6 disregarded that such an omission was 11:35:22 7 reasonably likely to cause a condition for 11:35:25 8 which FEMA assistance would be regarded." 11:35:27 9 Q. Where are you? 11:35:32 10 A. Page 7, line 7. Sorry, it's 11:35:34 11 midsentence but -- the sentence starts on 11:35:37 12 line 6. 11:35:41 13 Q. Can you just go ahead and read 11:35:45 14 it to make sure I -- 11:35:46 15 A. I'll read the entire sentence. 11:35:46 16 Q. Sure. 11:35:48 17 A. "Moreover, PG&E's actions and 11:35:49 18 omissions were intentional under section 317 11:35:51 19 of the Stafford Act because PG&E actively 11:35:54 20 and blatantly disregarded that such an 11:35:57 21 omission was reasonably likely to cause a 11:35:59 22 condition for which FEMA assistance would be 11:36:02 23 required. Specifically, PG&E knew that 11:36:07 24 failure" -- 11:36:07 25 It looks like there's a word 11:36:07</p>	<p>Page 104</p> <p>1 MR. TYE: Object to the form. 11:37:44 2 A. I mean, that's the -- that's the 11:37:48 3 allegation we presented, and we have -- 11:37:52 4 believe we have the evidence to support 11:37:55 5 that. 11:37:56 6 Q. Okay. 11:37:56 7 And what evidence is that again? 11:37:57 8 A. Again, that's the evidence 11:37:59 9 identified in the proof of claim, in our 11:38:00 10 responses to interrogatories and requests 11:38:03 11 for admission, the publicly available 11:38:05 12 reports from CAL FIRE and CPUC, the publicly 11:38:08 13 available reports and findings under the 11:38:12 14 criminal proceedings under Judge Alsup, and 11:38:14 15 then we may also rely on additional evidence 11:38:16 16 that's developed in the course of the 11:38:19 17 litigation. 11:38:20 18 Q. Okay. 11:38:20 19 Can you go back to Exhibit 4 11:38:22 20 which is the Butte Fire claim? 11:38:24 21 Could you go to page 2 of the 11:38:39 22 Butte Fire claim? Or rather page 2 of the 11:38:42 23 attachment? 11:38:48 24 A. Oh, yes. 11:38:48 25 Q. Sorry for that. 11:38:49</p>

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<p>1 Do you see the reference in the 11:38:53 2 second-to-last paragraph to the CAL FIRE 11:38:55 3 news release, "CAL FIRE Investigators 11:38:57 4 Determined Cause of Destructive Butte Fire," 11:39:00 5 April 28, 2016? 11:39:02 6 A. Yes. 11:39:02 7 Q. Okay. 11:39:02 8 Is this report a document that 11:39:06 9 FEMA is relying on in support of the Butte 11:39:08 10 Fire claim? 11:39:10 11 A. Yes, the news release and the 11:39:16 12 underlying report. 11:39:17 13 Q. Okay. 11:39:17 14 I'm going to hand you what's 11:39:18 15 been marked as Exhibit 7. 11:39:19 16 [Deposition Exhibit 7 marked for 11:39:41 17 identification.] 11:39:42 18 MR. GOODMAN: 11:39:52 19 Q. Can you identify this document? 11:39:53 20 A. This is a CAL FIRE news release 11:39:54 21 dated April 28, 2016 titled "CAL FIRE 11:39:56 22 Investigators Determine Cause of Destructive 11:40:01 23 Butte Fire." 11:40:03 24 Q. Okay. 11:40:03 25 Is this the document referenced 11:40:04</p>	<p>1 Amador County sparked the fire on September 11:41:48 2 9, 2015. 11:41:53 3 Q. Okay. 11:41:54 4 Can you identify any part of 11:41:56 5 this report where it states that PG&E 11:41:58 6 intentionally caused the Butte Fire? 11:42:01 7 MR. TYE: Object to the form of 11:42:06 8 the question. 11:42:07 9 A. This particular news release 11:42:12 10 does not reference that. 11:42:14 11 Q. Okay. 11:42:14 12 Can you identify any part of 11:42:18 13 this news release that indicates to you as 11:42:20 14 the 30(b)(6) designee that PG&E 11:42:22 15 intentionally caused the Butte Fire? 11:42:24 16 A. On its own I cannot do so. I 11:42:32 17 would need to also refer to the history of 11:42:34 18 reports from the CPUC identifying ongoing 11:42:40 19 issues that the debtor had in not curing the 11:42:44 20 safety issues when there were violations. 11:42:48 21 Q. Okay. 11:42:52 22 So is it your testimony then 11:43:00 23 that there is no part of this release that, 11:43:02 24 standing alone, indicates that PG&E 11:43:09 25 intentionally caused the Butte Fire? 11:43:10</p>
<p>Page 106</p> <p>1 on page 2 of the Butte Fire claim? 11:40:06 2 A. Yes. 11:40:08 3 Q. Okay. 11:40:25 4 Have you seen this document 11:40:26 5 before? 11:40:27 6 A. Yes. 11:40:27 7 Q. Did you review this document in 11:40:29 8 preparation for today's deposition? 11:40:31 9 A. I did not review it for today's 11:40:35 10 deposition but I reviewed it in the past. 11:40:37 11 Q. Okay. 11:40:37 12 Have you discussed this report 11:40:42 13 with anyone who is not an attorney? 11:40:43 14 A. No. 11:40:55 15 Q. Okay. 11:40:55 16 Can you identify any part of 11:40:59 17 this report where CAL FIRE determined that 11:41:00 18 PG&E intentionally caused the Butte Fire? 11:41:04 19 MR. TYE: Object to the form of 11:41:13 20 that question. 11:41:14 21 [Pause.] 11:41:31 22 A. This particular news release 11:41:36 23 refers to the investigation which uncovered 11:41:38 24 evidence that contact between a tree and a 11:41:41 25 PG&E powerline near Butte Mountain Road in 11:41:44</p>	<p>Page 108</p> <p>1 MR. TYE: Object to the form, 11:43:13 2 mischaracterizes prior testimony. 11:43:15 3 A. Standing on its own, no. We 11:43:28 4 would need to refer to additional documents 11:43:30 5 as well. 11:43:32 6 Q. What documents would that be? 11:43:33 7 A. The other publicly available 11:43:34 8 CPUC reports, the actual CAL FIRE 11:43:38 9 investigation report that came out at the 11:43:47 10 same time as this press release, and then 11:43:49 11 potentially also the reports related to the 11:43:59 12 criminal proceedings. 11:44:01 13 Q. Do the CAL FIRE investigative 11:44:07 14 reports state that PG&E intentionally caused 11:44:10 15 the Butte Fire? 11:44:12 16 MR. TYE: Object to the form of 11:44:18 17 the question. 11:44:19 18 Also object to that question as 11:44:19 19 beyond the scope of the 30(b)(6) 11:44:21 20 notice. 11:44:22 21 The witness can answer in his 11:44:22 22 personal knowledge for this issue, but 11:44:24 23 this testimony is not in his 30(b)(6) 11:44:27 24 capacity on behalf of FEMA. 11:44:29 25 A. Several of the CAL FIRE reports 11:44:30</p>

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<p>1 do identify safety issues and other 11:44:32 2 violations of state law that were caused by 11:44:37 3 the debtor. 11:44:39 4 Q. Okay. 11:44:40 5 Is FEMA relying on the CAL FIRE 11:44:45 6 reports in support of its proof of claim? 11:44:50 7 A. That is one of several documents 11:44:52 8 we're relying on. 11:44:54 9 Q. Okay. 11:44:55 10 And is CAL FIRE -- sorry, is 11:44:56 11 FEMA relying on the CAL FIRE reports as part 11:45:01 12 of the factual basis for its proof of claim? 11:45:03 13 MR. TYE: Object to the form. 11:45:10 14 A. Yes, we're relying on the 11:45:16 15 various publicly available reports. 11:45:17 16 Q. Okay. 11:45:18 17 And the question is, do the 11:45:19 18 CAL FIRE reports that are publicly available 11:45:21 19 state in them that PG&E intentionally caused 11:45:23 20 the Butte Fire? 11:45:25 21 MR. TYE: Object to the form. 11:45:30 22 And also object to that question 11:45:31 23 as beyond the scope of the 30(b)(6) 11:45:32 24 notice. 11:45:34 25 The witness can answer to his 11:45:34</p>	<p>1 state and local officials in the fire 11:46:27 2 services. But I do not personally know 11:46:30 3 whether we employ individuals to do that or 11:46:34 4 if they're contractors to FEMA. 11:46:37 5 Q. Okay. Okay. 11:46:39 6 But you testified that with 11:46:43 7 respect to the Butte Fire FEMA did not 11:46:45 8 perform its own investigation into the cause 11:46:47 9 of the Butte Fire; correct? 11:46:49 10 A. We would have considered that 11:46:52 11 duplicative of the efforts undertaken by the 11:46:53 12 state government. 11:46:56 13 Q. Okay. 11:46:56 14 Other than CAL FIRE is FEMA 11:46:58 15 aware of any agency -- sorry, strike that. 11:47:01 16 Other than CAL FIRE is FEMA 11:47:04 17 aware of any other agency that performed an 11:47:06 18 investigation into the cause of the Butte 11:47:09 19 Fire? 11:47:10 20 A. The CPUC safety enforcement 11:47:10 21 division also completed a report. 11:47:16 22 Q. Did that report pertain to the 11:47:22 23 cause of the Butte Fire? 11:47:24 24 MR. TYE: Object to the form. 11:47:28 25 Also object to that question as beyond 11:47:29</p>
<p>Page 110</p> <p>1 personal knowledge for this issue, but 11:45:35 2 this testimony is not in his 30(b)(6) 11:45:37 3 capacity on behalf of FEMA. 11:45:40 4 A. I don't recall seeing the 11:45:44 5 specific word "intentional" used in the 11:45:46 6 reports. 11:45:48 7 Q. Okay. 11:45:48 8 A. The CAL FIRE reports. 11:45:49 9 Q. Did FEMA perform its own 11:45:53 10 investigation into the cause of the Butte 11:45:55 11 Fire? 11:45:58 12 A. No, we did not. 11:46:00 13 Q. Okay. 11:46:01 14 Does FEMA even employ 11:46:02 15 investigators that are qualified to 11:46:05 16 determine the cause of wildfires? 11:46:06 17 MR. TYE: Object to that 11:46:10 18 question as beyond the scope of the 11:46:11 19 30(b)(6) notice. 11:46:13 20 The witness can answer to his 11:46:14 21 personal knowledge for this issue but 11:46:15 22 the testimony is not in his 30(b)(6) 11:46:17 23 capacity on behalf of FEMA. 11:46:20 24 A. One component of FEMA is the 11:46:23 25 United States Fire Academy which trains 11:46:25</p>	<p>Page 112</p> <p>1 the scope of the 30(b)(6) notice. 11:47:30 2 The witness can answer to his 11:47:31 3 personal knowledge for this issue, but 11:47:33 4 the testimony is not in his 30(b)(6) 11:47:34 5 capacity on behalf of FEMA. 11:47:37 6 We also noted in our letter that 11:47:40 7 the witness is not here to provide 11:47:41 8 testimony regarding CAL FIRE reports 11:47:44 9 where -- with respect to the specific 11:47:48 10 statements in the CAL FIRE reports 11:47:50 11 that are publicly available. 11:47:52 12 A. I don't recall what the CPUC 11:47:59 13 reports say in regarding causation. I do 11:48:02 14 know that they identify specific safety 11:48:08 15 violation and violations of state law. 11:48:10 16 Q. Okay. 11:48:12 17 When it filed its proof of 11:48:12 18 claim, was FEMA relying on any other reports 11:48:16 19 besides the ones prepared by CAL FIRE that 11:48:18 20 purport to determine who caused the Butte 11:48:22 21 Fire? 11:48:24 22 A. Again, we also would have been 11:48:28 23 relying on publicly available CPUC reports 11:48:31 24 and potentially the filings from the 11:48:33 25 criminal proceeding under Judge Alsup, and 11:48:35</p>

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<p>1 any other evidence that might have been 11:48:44 2 identified in our proof of claim or these 11:48:45 3 response to interrogatories I might have 11:48:48 4 failed to mention. 11:48:50</p> <p>5 Q. Prior to filing its proof of 11:48:58 6 claim in the bankruptcy for the Butte Fire, 11:49:01 7 had taken any actions to notify PG&E of its 11:49:02 8 intent to assert claims against PG&E for the 11:49:06 9 Butte Fire? 11:49:07</p> <p>10 MR. TYE: Object to that 11:49:08 11 question as beyond the scope of the 11:49:09 12 30(b)(6) notice. 11:49:10</p> <p>13 The witness can answer to his 11:49:12 14 personal knowledge for this issue, but 11:49:13 15 the testimony is not in his 30(b)(6) 11:49:13 16 capacity on behalf of FEMA. 11:49:15</p> <p>17 MR. VORA: I'm sorry, could you 11:49:16 18 repeat that question? 11:49:16</p> <p>19 BY MR. GOODMAN: 11:49:16</p> <p>20 Q. Prior to filing its proof of 11:49:26 21 claim in the bankruptcy for the Butte Fire, 11:49:28 22 which is Exhibit Number 4, had FEMA taken 11:49:36 23 any actions to notify PG&E of its intent to 11:49:39 24 assert claims against PG&E for the Butte 11:49:42 25 Fire? 11:49:44</p>	<p>1 30(b)(6) notice. 11:50:43 2 The witness can answer to his 11:50:44 3 personal knowledge for this issue, but 11:50:46 4 the testimony is not in his 30(b)(6) 11:50:47 5 capacity on behalf of FEMA. 11:50:50 6 Also object to that question to 11:50:52 7 the extent it asks for material 11:50:53 8 covered by the attorney-client 11:50:56 9 privilege or any other applicable 11:50:57 10 privilege. 11:50:59 11 A. There were no other 11:51:02 12 communications from FEMA prior to that 11:51:03 13 meeting with PG&E related to our claim. 11:51:05 14 Q. Thank you. 11:51:08 15 If you go back to Exhibit Number 11:51:11 16 5, which is the Camp Fire claim. Can you go 11:51:13 17 to page 2 of the attachment? 11:51:30 18 Do you see the reference in the 11:51:31 19 second full paragraph to the CAL FIRE news 11:51:33 20 release "CAL FIRE Investigators Determine 11:51:37 21 Cause of the Camp Fire" May 15, 2019? 11:51:39 22 A. Yes. 11:51:39 23 Q. Is this a report that FEMA is 11:51:44 24 relying on to support the Camp Fire claim? 11:51:45 25 A. We're relying on the general 11:51:50</p>
<p>Page 114</p> <p>1 MR. TYE: The United States 11:49:46 2 objects to that question as beyond the 11:49:47 3 scope of the 30(b)(6) notice. 11:49:48 4 The witness can answer his 11:49:50 5 personal knowledge for this issue, but 11:49:52 6 the testimony is not in his 30(b)(6) 11:49:53 7 capacity on behalf of FEMA. 11:49:55 8 Also I caution the witness not 11:49:57 9 to -- excuse me, strike that. 11:49:58 10 Object to the question to the 11:50:02 11 extent that it calls for testimony 11:50:04 12 protected by attorney-client privilege 11:50:05 13 or any other applicable privilege. 11:50:07 14 A. Yes, we had one meeting with the 11:50:15 15 debtor prior to filing our proof of claim. 11:50:17 16 Q. When did that occur? 11:50:19 17 A. August of last year. 2019, 11:50:22 18 sorry. 11:50:27 19 Q. Okay. 11:50:27 20 But prior to August of 2019 was 11:50:28 21 PG&E ever apprised by FEMA that FEMA was 11:50:34 22 intending to assert a claim against PG&E for 11:50:37 23 the Butte Fire? 11:50:39 24 MR. TYE: Object to that 11:50:41 25 question as beyond the scope of the 11:50:42</p>	<p>Page 114</p> <p>1 information provided in the news release and 11:51:53 2 the CPUC report related to this fire. 11:51:56 3 Q. Okay. 11:52:01 4 So the news release would be 11:52:02 5 part of the factual basis for FEMA's claim 11:52:03 6 against PG&E? 11:52:08 7 A. Yes. 11:52:08 8 Q. Can I hand you what's been 11:52:10 9 marked as Exhibit 8? 11:52:11 10 [Deposition Exhibit 8 marked for 11:52:29 11 identification.] 11:52:31 12 BY MR. GOODMAN: 11:52:31 13 Q. Can you identify this document? 11:52:32 14 A. Yes. This is a CAL FIRE news 11:52:35 15 release dated May 15, 2019 titled "CAL FIRE 11:52:38 16 Investigators Determine Cause of the Camp 11:52:42 17 Fire." 11:52:45 18 Q. Is this the report referenced on 11:52:48 19 page 2 of the Camp Fire claim? 11:52:49 20 A. Yes, this is the referenced news 11:52:54 21 release. 11:52:55 22 Q. Have you seen this document 11:52:55 23 before? 11:52:57 24 A. Yes. 11:52:57 25 Q. Did you review this document in 11:52:58</p>

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1 preparation for today's deposition? 11:53:00	1 not form part of the factual basis for 11:54:27
2 A. Not in preparation for today but 11:53:01	2 FEMA's claims against PG&E? 11:54:30
3 I have previously reviewed it. 11:53:04	3 MR. TYE: No, we don't agree to 11:54:31
4 Q. Okay. 11:53:05	4 that at all. What we're talking about 11:54:32
5 Did you have any discussion 11:53:08	5 is you're asking him to read specific 11:54:34
6 about this report with anyone other than an 11:53:10	6 parts of the report. As we provided 11:54:35
7 attorney? 11:53:11	7 in our letter beforehand, he's not 11:54:37
8 A. No. 11:53:11	8 here to provide specific parts of 11:54:38
9 Q. Can you identify any part of 11:53:14	9 reports. He can tell you what the 11:54:40
10 this report where CAL FIRE stated that PG&E 11:53:15	10 factual basis a for the claims, but 11:54:43
11 intentionally caused the Camp Fire? 11:53:18	11 he's not here to read specific parts 11:54:46
12 MR. TYE: Object to the form of 11:53:22	12 of the report, and that's what's 11:54:47
13 the question. 11:53:23	13 beyond the scope of the 30(b)(6) 11:54:49
14 Also object to that question as 11:53:23	14 notice. 11:54:50
15 beyond the scope of the 30(b)(6) 11:53:24	15 MS. WELCHANS: Can I just object 11:54:53
16 notice. 11:53:26	16 on behalf of CAL FIRE to the extent 11:54:55
17 The witness can answer as to his 11:53:26	17 you all are calling Exhibit 8 a 11:55:00
18 personal knowledge for the issue, but 11:53:28	18 report? 11:55:01
19 the testimony is not in his 30(b)(6) 11:53:29	19 MR. GOODMAN: Yes. 11:55:02
20 capacity on behalf of FEMA. 11:53:32	20 MS. WELCHANS: Thank you. 11:55:03
21 A. In the news release, CAL FIRE -- 11:53:33	21 A. I'm sorry, I lost track. Could 11:55:07
22 the news release states that: 11:53:38	22 you please repeat the question? 11:55:07
23 "CAL FIRE has determined that 11:53:40	23 BY MR. GOODMAN: 11:55:09
24 the Camp Fire was caused by electrical 11:53:40	24 Q. Sure. Yeah. 11:55:09
25 transmission lines owned and operated by 11:53:44	25 The question is, can you 11:55:09

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1 Pacific Gas and Electricity located in the 11:53:46	1 identify any part of this news release where 11:55:10
2 Pulga area." 11:53:49	2 CAL FIRE in FEMA's view is determining that 11:55:13
3 Further down states that: 11:53:51	3 PG&E intentionally caused the Camp Fire? 11:55:18
4 "The cause of the second fire 11:53:51	4 MR. TYE: Object to the form of 11:55:25
5 was determined to be vegetation into 11:53:52	5 that question. 11:55:26
6 electrical distribution lines owned and 11:53:56	6 A. Similar to my response on the 11:55:28
7 operated by PG&E." 11:53:57	7 prior discussion, on its own the news 11:55:30
8 Q. The question is can you identify 11:54:01	8 release is not enough information. We also 11:55:35
9 any part of this report where CAL FIRE 11:54:02	9 rely on the other reports available from the 11:55:38
10 determined that PG&E intentionally caused 11:54:05	10 CPUC and the criminal proceedings and other 11:55:40
11 the Camp Fire? 11:54:07	11 documents referenced in the proof of claim, 11:55:45
12 A. Not -- 11:54:10	12 our response to interrogatories, admission, 11:55:47
13 MR. TYE: Excuse me. 11:54:11	13 or any other evidence reference we may 11:55:50
14 Object to the form of that 11:54:12	14 develop in the course of the litigation. 11:55:52
15 question. 11:54:13	15 Q. Is FEMA contending that CAL FIRE 11:55:53
16 Also object to that question as 11:54:13	16 made specific findings regarding PG&E's 11:55:56
17 beyond the scope of the 30(b)(6) 11:54:15	17 intent? 11:55:58
18 notice. 11:54:16	18 MR. TYE: Object to the form of 11:56:05
19 The witness can answer in his 11:54:16	19 that question. 11:56:06
20 personal knowledge for this issue, but 11:54:18	20 And object to that question as 11:56:15
21 the testimony is not in his 30(b)(6) 11:54:19	21 calling for a legal conclusion. 11:56:16
22 capacity on behalf of FEMA. 11:54:22	22 A. The CAL FIRE reports are just 11:56:20
23 MR. GOODMAN: If this is beyond 11:54:23	23 one piece of evidence that we're relying 11:56:22
24 the scope of the 30(b)(6) exam, then 11:54:24	24 upon. So we're not using them for the 11:56:24
25 would you agree that this report does 11:54:26	25 purpose, sole purpose of reaching that 11:56:31

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<p>1 conclusion. 11:56:33</p> <p>2 Q. The question is, is FEMA 11:56:37</p> <p>3 contending that CAL FIRE made specific 11:56:40</p> <p>4 findings regarding FEMA -- regarding PG&E's 11:56:44</p> <p>5 intent with respect to the wildfires? 11:56:48</p> <p>6 A. My understanding is that 11:56:50</p> <p>7 CAL FIRE doesn't make those determinations. 11:56:53</p> <p>8 They only determine the cause of the fire. 11:56:55</p> <p>9 Q. All right. 11:56:55</p> <p>10 CAL FIRE makes determinations 11:57:00</p> <p>11 regarding the causes of fire but it doesn't 11:57:02</p> <p>12 make findings regarding the intent of 11:57:04</p> <p>13 parties; correct? 11:57:08</p> <p>14 A. My understanding is they would 11:57:09</p> <p>15 typically refer specific issues to the local 11:57:12</p> <p>16 jurisdictions. They don't make those 11:57:18</p> <p>17 specific determinations themselves. 11:57:21</p> <p>18 Q. Okay. 11:57:22</p> <p>19 So given that you would agree 11:57:26</p> <p>20 that there is no part of this news release 11:57:29</p> <p>21 where CAL FIRE is stating that PG&E 11:57:31</p> <p>22 intentionally caused the Camp Fire? 11:57:36</p> <p>23 A. Not in this news release alone. 11:57:39</p> <p>24 As I stated we would also need to rely on 11:57:40</p> <p>25 other reports and evidence. 11:57:43</p>	<p>1 proceedings and anything else that we may 11:59:05</p> <p>2 have identified in the proof of claim or the 11:59:08</p> <p>3 response to interrogatories or requests for 11:59:11</p> <p>4 admission. 11:59:12</p> <p>5 Q. What information was available 11:59:13</p> <p>6 through the criminal proceeding that would 11:59:16</p> <p>7 speak to the issue? 11:59:18</p> <p>8 MR. TYE: Object to the form of 11:59:22</p> <p>9 the question. 11:59:24</p> <p>10 A. There has been various filings 11:59:26</p> <p>11 in the criminal proceedings that go towards 11:59:28</p> <p>12 the issue of PG&E's knowledge of the extent 11:59:31</p> <p>13 of its electrical grid and what actions it's 11:59:38</p> <p>14 taken to cure those deficiencies. 11:59:42</p> <p>15 Q. Are those publicly available? 11:59:44</p> <p>16 A. In the publicly available ones, 11:59:45</p> <p>17 yes. 11:59:48</p> <p>18 Q. If I wanted to go find those 11:59:50</p> <p>19 documents, where would I go? 11:59:52</p> <p>20 A. Probably the -- I don't know 12:00:09</p> <p>21 what the name of the E-filing system is 12:00:10</p> <p>22 but -- or which court it was filed in. So I 12:00:16</p> <p>23 would have to get back to you on that. 12:00:20</p> <p>24 Q. But these are documents that 12:00:23</p> <p>25 would be available online? 12:00:24</p>
<p>Page 122</p>	<p>Page 124</p>

<p>1 Q. What reports would that be? 11:57:44</p> <p>2 A. Again, the publicly available 11:57:45</p> <p>3 CPUC reports that show the history of PG&E's 11:57:47</p> <p>4 issues with properly maintaining its 11:57:54</p> <p>5 electrical system, and the other documents 11:57:57</p> <p>6 referenced such as the criminal proceedings, 11:58:00</p> <p>7 and then we may also rely on evidence also 11:58:02</p> <p>8 produced throughout the litigation. 11:58:04</p> <p>9 Q. Did FEMA perform its own 11:58:06</p> <p>10 investigation into the cause of the Camp 11:58:18</p> <p>11 Fire? 11:58:20</p> <p>12 A. No, we did not. 11:58:24</p> <p>13 Q. Other than CAL FIRE is FEMA 11:58:24</p> <p>14 aware of any other agency that performed an 11:58:26</p> <p>15 investigation into the cause of the Camp 11:58:28</p> <p>16 Fire? 11:58:32</p> <p>17 A. Similarly, there is the CPUC 11:58:32</p> <p>18 Safety Enforcement Division report as well. 11:58:35</p> <p>19 Q. When it filed its proof of claim 11:58:42</p> <p>20 was FEMA relying on any reports that 11:58:45</p> <p>21 purported to determine the cause of the Camp 11:58:49</p> <p>22 Fire besides reports prepared by CAL FIRE or 11:58:52</p> <p>23 the CPUC? 11:58:56</p> <p>24 A. We would also have relied on any 11:59:01</p> <p>25 information available through the criminal 11:59:03</p>	<p>1 MR. TYE: Object to the form of 12:00:29</p> <p>2 that question. 12:00:31</p> <p>3 A. I mean, they're available 12:00:36</p> <p>4 through the electronic court filing system. 12:00:37</p> <p>5 I'm not familiar with that since I don't 12:00:39</p> <p>6 typically handle that type of litigation. 12:00:41</p> <p>7 Q. Okay. 12:00:42</p> <p>8 Go back to Exhibit Number 3, the 12:00:43</p> <p>9 North Bay Fires claim. If you go to page 2 12:00:47</p> <p>10 of the attachment of the North Bay Fires 12:01:01</p> <p>11 claim, do you see the reference in the third 12:01:03</p> <p>12 full paragraph to the CAL FIRE news release 12:01:04</p> <p>13 "CAL FIRE Investigators Determine Cause of 12:01:08</p> <p>14 12 Wildfires in Mendocino, Humboldt, Butte, 12:01:10</p> <p>15 Sonoma, Lake, and Napa Counties," June 8, 12:01:15</p> <p>16 2018? 12:01:16</p> <p>17 A. Yes. 12:01:18</p> <p>18 Q. Is this a report -- rather -- 12:01:19</p> <p>19 strike that. 12:01:21</p> <p>20 Is this a document that FEMA is 12:01:22</p> <p>21 relying on to support the North Bay Fires 12:01:23</p> <p>22 claim? 12:01:27</p> <p>23 A. Yes, as well as the reports that 12:01:29</p> <p>24 are referenced -- 12:01:30</p> <p>25 Q. Go ahead and -- 12:01:32</p>
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<p>1 A. -- in this release. 12:01:35 2 Q. -- hand you what's being marked 12:01:37 3 as Exhibit 9. 12:01:39 4 [Deposition Exhibit 9 marked for 12:01:39 5 identification.] 12:01:39 6 BY MR. GOODMAN: 12:01:51 7 Q. Can you identify this document? 12:01:51 8 A. This is a CAL FIRE news release 12:01:54 9 dated June 8, 2018 titled "CAL FIRE 12:01:57 10 Investigators Determine Causes of 12 12:02:01 11 Wildfires in Mendocino, Humboldt, Butte, 12:02:03 12 Sonoma, Lake, and Napa Counties." 12:02:07 13 Q. Is this document referenced on 12:02:09 14 page 2 of the North Bay Fires claim? 12:02:10 15 A. Yes. 12:02:10 16 Q. Okay. 12:02:10 17 Have you seen this document 12:02:13 18 before? 12:02:14 19 A. Yes, I have. 12:02:15 20 Q. Okay. 12:02:15 21 Can you identify any part of 12:02:18 22 this document where CAL FIRE determined that 12:02:19 23 PG&E intentionally caused any of the 2017 12:02:24 24 North Bay Fires? 12:02:27 25 [Pause.] 12:02:27</p>	<p>1 Q. Now, you would agree with me as 12:03:54 2 the 30(b)(6) designee that this document 12:03:56 3 does not state that PG&E intentionally 12:03:58 4 caused any of the 2017 North Bay Fires? 12:04:00 5 MR. TYE: Object to the form of 12:04:03 6 that question. 12:04:04 7 A. This document on its own, no. 12:04:07 8 We would need to rely on the other evidence 12:04:10 9 as well. 12:04:13 10 Q. Okay. 12:04:13 11 Did FEMA perform its own 12:04:15 12 investigation into the cause of any of the 12:04:17 13 2017 North Bay Fires? 12:04:20 14 A. No. 12:04:20 15 Q. Other than CAL FIRE is FEMA 12:04:25 16 aware of any other agency that performed an 12:04:27 17 investigation into the cause of any of the 12:04:29 18 2017 North Bay Fires? 12:04:32 19 A. Just the CPUC. 12:04:34 20 Q. Okay. 12:04:35 21 When it filed its proof of 12:04:37 22 claim, was FEMA relying on any reports 12:04:39 23 besides the one prepared by CAL FIRE and the 12:04:42 24 CPUC regarding the cause of the 2017 North 12:04:48 25 Bay Fires? 12:04:51</p>
<p>Page 126</p> <p>1 A. The news release identifies 12:02:44 2 numerous locations where the causes of the 12:02:46 3 various fires were related to vegetation 12:02:49 4 coming into contact with PG&E powerlines or 12:02:54 5 failures of PG&E equipment. 12:02:57 6 But to answer your question, 12:03:01 7 there is no statement in the news release 12:03:02 8 regarding anything related to intention. 12:03:06 9 Q. Okay. 12:03:10 10 Can you identify any part of 12:03:12 11 this document that indicates to you as the 12:03:13 12 30(b)(6) designee that PG&E intentionally 12:03:17 13 caused any of the 2017 North Bay Fires? 12:03:19 14 MR. TYE: Object to the form of 12:03:22 15 that question. 12:03:24 16 A. Similar to my prior responses, 12:03:27 17 not on its own. We would need to rely on 12:03:31 18 the additional evidence we've previously 12:03:33 19 discussed, such as the publicly available 12:03:35 20 reports from CAL FIRE, CPUC, the publicly 12:03:38 21 available documents from the criminal 12:03:42 22 proceeding and anything else I might have 12:03:45 23 failed to mention from our proof of claim or 12:03:48 24 response to interrogatories or response to 12:03:50 25 admission. 12:03:52</p>	<p>Page 128</p> <p>1 A. Again, I would just reference 12:04:55 2 back to the proofs of claim and our 12:04:56 3 responses to interrogatories and requests 12:04:58 4 for admissions, in case I failed to mention 12:04:59 5 anything else. But those would be the 12:05:03 6 primary documents, yes. 12:05:04 7 Q. Okay. 12:05:05 8 MR. TYE: Is this a good time 12:05:11 9 for a break? 12:05:12 10 MR. GOODMAN: Yeah. Take a 12:05:12 11 break for lunch. 12:05:13 12 THE VIDEOGRAPHER: Stand by. 12:05:16 13 This marks the end of media 12:05:17 14 number 2. Going off the record at 12:05:18 15 12:05 p.m. 12:05:20 16 [Luncheon recess at 12:05 p.m.] 12:05:21 17 12:05:21 18 19 20 21 22 23 24 25</p>

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1	AFTERNOON SESSION	12:08:32	1	Fire, the 2017 North Bay Fires, or the 2018	12:51:26
2	[Resuming at 12:48 p.m.]	12:08:32	2	Camp Fire?	12:51:31
3	THE VIDEOGRAPHER: We are back	12:45:22	3	MR. TYE: Object to that	12:51:33
4	on the record at 12:48 p.m., and this	12:48:50	4	question as beyond the scope of the	12:51:34
5	marks the beginning of media number 3	12:48:53	5	30(b)(6) notice.	12:51:35
6	in the deposition of John-Paul	12:48:55	6	The witness can answer on his	12:51:36
7	Henderson.	12:48:58	7	personal knowledge for this issue, but	12:51:38
8	EXAMINATION CONTINUING	12:49:00	8	this testimony is not in his 30(b)(6)	12:51:42
9	MR. GOODMAN:	12:49:00	9	capacity on behalf of FEMA.	12:51:46
10	Q. Okay. I'm going to hand you	12:49:00	10	A. This report predates those	12:51:48
11	what we've marked as Exhibit 10.	12:49:01	11	fires. So I can't point to it in relation	12:51:51
12	[Deposition Exhibit 10 marked	12:49:01	12	to the fires but it's being relied on for	12:51:56
13	for identification.]	12:49:01	13	other purposes.	12:51:58
14	BY MR. GOODMAN:	12:49:25	14	Q. What other purposes?	12:51:59
15	Q. Document is titled "Study of	12:49:25	15	A. To establish the history of	12:52:00
16	Risk Assessment and PG&E's GRC" dated May 6,	12:49:27	16	issues related to PG&E's maintenance of its	12:52:06
17	2013. Can you identify this document?	12:49:32	17	electrical system.	12:52:12
18	A. Yes, it's the study of risk	12:49:41	18	Q. Would you agree with me as	12:52:15
19	assessment and PG&E's GRC by the CPUC dated	12:49:43	19	FEMA's Rule 30(b)(6) designee that this does	12:52:19
20	May 6, 2013.	12:49:49	20	not indicate that PG&E intentionally caused	12:52:23
21	Q. Have you seen this document	12:49:51	21	any wildfires?	12:52:25
22	before?	12:49:52	22	MR. TYE: Object to form of that	12:52:27
23	A. I personally have not seen this	12:49:56	23	question.	12:52:28
24	document before.	12:49:58	24	A. I would agree that this report	12:52:29
25	Q. Okay.	12:49:59	25	does not provide the information related to	12:52:30
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1	Is FEMA relying on this document	12:50:02	1	the fires which are subject to our proofs of	12:52:33
2	to support any of its claims against PG&E?	12:50:03	2	claim as it predates those fires.	12:52:36
3	A. Yes, this document is referenced	12:50:06	3	Q. Okay.	12:52:37
4	in our response to the interrogatories.	12:50:08	4	MR. GOODMAN: Go ahead and hand	12:52:58
5	Q. Okay.	12:50:15	5	you what we've marked as Exhibit	12:52:59
6	If you go back to Exhibit	12:50:15	6	Number 11.	12:53:01
7	Number 6. I believe it's on page 5,	12:50:17	7	[Deposition Exhibit 11 marked	12:53:20
8	footnote number 1.	12:50:27	8	for identification.]	12:53:21
9	Is this report that we've marked	12:50:36	9	MR. GOODMAN:	12:53:21
10	as Exhibit 10 the report that is referenced	12:50:37	10	Q. Can you identify this document?	12:53:29
11	in footnote number 1 in FEMA's response to	12:50:39	11	A. This is an audit of PG&E's North	12:53:30
12	the TCC's interrogatories?	12:50:42	12	Valley Division conducted by the CPUC dated	12:53:36
13	A. It does appear to be that	12:50:58	13	September 22, 2014.	12:53:40
14	report.	12:51:00	14	Q. Have you seen this document	12:53:42
15	Q. Okay.	12:51:00	15	before?	12:53:43
16	You would agree with me that	12:51:00	16	A. Yes, I have.	12:53:45
17	this report predates the 2015 Butte Fire,	12:51:02	17	Q. Did you review this document in	12:53:47
18	the 2017 North Bay Fires, and the 2018 Camp	12:51:07	18	preparation for today's deposition?	12:53:49
19	Fire?	12:51:12	19	A. Yes, I did.	12:53:50
20	A. Yes, it does predate those	12:51:14	20	Q. Is this a document that FEMA is	12:53:52
21	fires.	12:51:15	21	relying on to support its claims against	12:53:54
22	Q. Okay.	12:51:15	22	PG&E?	12:53:57
23	Can you identify any part of	12:51:16	23	A. Yes, it is one of the documents.	12:53:59
24	this report where the CPUC determined that	12:51:18	24	Q. Can you go back to Exhibit 6,	12:54:01
25	PG&E intentionally caused the 2015 Butte	12:51:22	25	the interrogatory responses? If you go to	12:54:04
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<p>1 page 6, footnote number 2, do you see that? 12:54:08 2 A. Yes. 12:54:22 3 Q. Is this report that we have 12:54:22 4 marked as Exhibit Number 11 the report that 12:54:23 5 is referenced in footnote number 2? 12:54:25 6 A. Yes, it appears to be that same 12:54:29 7 document. 12:54:30 8 Q. Do you know why this report is 12:54:31 9 referenced in footnote number 2 on page 6 of 12:54:33 10 FEMA's interrogatory responses? 12:54:36 11 MR. TYE: Object to the form. 12:54:37 12 A. This document, among others, 12:54:42 13 provides evidence of the known safety issues 12:54:45 14 and violations related to PG&E's electrical 12:54:51 15 system. 12:54:55 16 Q. Would you agree that this report 12:54:56 17 predates the 2015 Butte Fire, the 2017 North 12:54:59 18 Bay Fires, and the 2018 Camp Fire? 12:55:04 19 A. Yes, it is dated 2014 so it 12:55:09 20 would predate all of those fires. 12:55:10 21 Q. Can you identify any part of 12:55:12 22 this report where the PC -- strike that. 12:55:13 23 Can you identify any part of 12:55:18 24 this report where the CPUC determined that 12:55:19 25 PG&E intentionally caused any wildfires? 12:55:23</p>	<p>1 resulted in the unsafe electrical system. 12:56:39 2 Q. Okay. 12:56:39 3 Can you show where in this 12:56:41 4 document it discusses intentional omissions? 12:56:43 5 MR. TYE: United States rejects 12:56:46 6 that question as beyond the scope of 12:56:47 7 the 30(b)(6) notice. 12:56:48 8 The witness can answer as to his 12:56:49 9 personal knowledge for this issue, but 12:56:51 10 that testimony is not in his 30(b)(6) 12:56:52 11 capacity on behalf of FEMA. 12:56:55 12 A. Okay. As one example, on 12:57:00 13 page -- it's labeled page 2 of 10 but it's 12:57:08 14 really page 3 of the exhibit since there is 12:57:10 15 a cover letter. Refers to over 3,000 work 12:57:13 16 orders that weren't completed by scheduled 12:57:19 17 due dates. So this is an example of issues 12:57:23 18 identified where PG&E knew of issues that 12:57:27 19 needed to be corrected but failed to do so. 12:57:30 20 Q. Is this part of the factual 12:57:34 21 basis for FEMA's claims against PG&E? 12:57:35 22 A. This document among many others. 12:57:37 23 Q. Okay. 12:57:37 24 But to be clear, there's nothing 12:57:47 25 in this document that specifically speaks to 12:57:48</p>
<p>Page 134</p> <p>1 MR. TYE: The United States 12:55:25 2 objects to that question as beyond the 12:55:26 3 scope of the 30(b)(6) notice. 12:55:27 4 The witness can answer as to his 12:55:28 5 personal knowledge of this issue, but 12:55:31 6 the testimony is not in his 30(b)(6) 12:55:32 7 capacity on behalf of FEMA. 12:55:34 8 A. All right. Similar to the prior 12:55:37 9 document we discussed, this report relates 12:55:39 10 to the intentional omissions of PG&E related 12:55:42 11 to its electrical system, related to known 12:55:46 12 issues on safety issues and violations. 12:55:53 13 But to answer your question 12:55:59 14 would not go directly towards the specific 12:56:00 15 fires in the proofs of claim. 12:56:03 16 Q. So there is nothing in this 12:56:12 17 document that speaks to the issue of PG&E's 12:56:13 18 intent? 12:56:15 19 MR. TYE: Object to the form. 12:56:18 20 Objection, mischaracterizes prior 12:56:19 21 testimony. 12:56:20 22 A. This, as I stated in my previous 12:56:25 23 response, this document goes towards 12:56:27 24 establishing intentional omissions of the 12:56:29 25 PG&E -- of PG&E prior to the fires which 12:56:33</p>	<p>Page 136</p> <p>1 the issue of PG&E's intent with respect to 12:57:51 2 any of the wildfires? 12:57:54 3 MR. TYE: Object to the form. 12:57:56 4 Objection, mischaracterizes prior 12:57:57 5 testimony. 12:57:59 6 A. As I stated before, we believe 12:58:00 7 it does speak towards the issue of 12:58:02 8 intentional omission since it provides 12:58:04 9 information on PG&E's knowledge of safety 12:58:07 10 issues and violations that were not 12:58:11 11 corrected. 12:58:14 12 Q. Is FEMA relying on any alleged 12:58:15 13 intentional omissions that occurred on or 12:58:18 14 after January 1 of 2015? 12:58:23 15 A. Could you just repeat the 12:58:33 16 question one more time? 12:58:34 17 Q. Yeah. 12:58:36 18 Is FEMA relying on any alleged 12:58:36 19 intentional omissions that were committed by 12:58:38 20 PG&E that occurred after January 1 of 2015? 12:58:41 21 MR. TYE: Object to the form. 12:58:47 22 Objection, calls for a legal 12:58:49 23 conclusion. 12:58:50 24 A. Yes, there is continued evidence 12:59:06 25 of intentional omissions that occurred after 12:59:09</p>

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<p>1 January 1, 2015. 12:59:14</p> <p>2 Q. Okay. 12:59:15</p> <p>3 A. Related to the fires in our 12:59:16</p> <p>4 proofs of claim. 12:59:18</p> <p>5 Q. And I'm correct that you can't 12:59:22</p> <p>6 specifically show me where in this report 12:59:24</p> <p>7 dated December 22, 2014 it indicates that 12:59:29</p> <p>8 PG&E intended to cause any wildfires? 12:59:34</p> <p>9 MR. TYE: Object to the form and 12:59:38</p> <p>10 objection, mischaracterizes prior 12:59:38</p> <p>11 testimony. 12:59:40</p> <p>12 A. Again, as I stated before, this 12:59:43</p> <p>13 report does provide some evidence of the 12:59:45</p> <p>14 knowledge that PG&E had of the condition of 12:59:49</p> <p>15 its system and its failure to correct those 12:59:52</p> <p>16 issues, which we would posit go towards 12:59:54</p> <p>17 intentional omissions. 12:59:57</p> <p>18 Q. Okay. 12:59:58</p> <p>19 Well, does anything in this 13:00:00</p> <p>20 report speak to the issue of intentional 13:00:01</p> <p>21 actions? 13:00:04</p> <p>22 MR. TYE: Object to the form. 13:00:06</p> <p>23 A. In this particular report I do 13:01:13</p> <p>24 not see anything that would lead me to point 13:01:15</p> <p>25 to an intentional action, just the 13:01:21</p>	<p>1 Q. Do you know who? 13:02:31</p> <p>2 A. This particular document would 13:02:34</p> <p>3 have been reviewed most likely by Ann 13:02:35</p> <p>4 Winterman, who works for me, and I don't 13:02:42</p> <p>5 know if there's any other officials or not. 13:02:43</p> <p>6 Q. Okay. 13:02:45</p> <p>7 Go ahead and look at Exhibit 12. 13:02:49</p> <p>8 MR. GOODMAN: And mark this 13:02:49</p> <p>9 document as Exhibit 12. 13:02:49</p> <p>10 [Deposition Exhibit 12 marked 13:02:52</p> <p>11 for identification.] 13:02:53</p> <p>12 MR. GOODMAN: 13:02:53</p> <p>13 Q. Can you identify this document? 13:03:23</p> <p>14 A. This is the draft CPUC report 13:03:24</p> <p>15 titled Order Instituting Investigation in 13:03:33</p> <p>16 the Creation of a Shared Database or 13:03:36</p> <p>17 Statewide Census of Utility Poles and 13:03:39</p> <p>18 Conduit. 13:03:42</p> <p>19 Q. Have you seen this document 13:03:44</p> <p>20 before? 13:03:46</p> <p>21 A. I have not personally reviewed 13:03:51</p> <p>22 this document, but I am aware that it's been 13:03:52</p> <p>23 referenced in our response to the 13:03:54</p> <p>24 interrogatories. 13:03:55</p> <p>25 Q. Where is it referenced in the 13:03:56</p>
<p>Page 138</p> <p>1 omissions. 13:01:23</p> <p>2 Q. So far in this deposition have 13:01:23</p> <p>3 we looked at any documents prepared by 13:01:33</p> <p>4 CAL FIRE or the CPUC that speak to 13:01:36</p> <p>5 intentional actions by PG&E? 13:01:38</p> <p>6 MR. TYE: Object to the form of 13:01:44</p> <p>7 that question and object -- object to 13:01:45</p> <p>8 the form of that question. 13:01:51</p> <p>9 A. Frankly, I can't really answer 13:01:53</p> <p>10 that question because I would need to look 13:01:55</p> <p>11 through Exhibit 10 again, which is 100 13:01:57</p> <p>12 and -- almost 200 pages. So I wouldn't feel 13:02:02</p> <p>13 comfortable definitively ruling out whether 13:02:05</p> <p>14 there is anything in this document without 13:02:09</p> <p>15 reviewing it again. 13:02:13</p> <p>16 Q. But Exhibit 10 is a document 13:02:13</p> <p>17 that FEMA is relying on to support the 13:02:14</p> <p>18 factual basis for its proof of claim; 13:02:17</p> <p>19 correct? 13:02:20</p> <p>20 A. Correct. 13:02:20</p> <p>21 Q. And this is a document that you 13:02:21</p> <p>22 had not reviewed prior to today's 13:02:24</p> <p>23 deposition; correct? 13:02:26</p> <p>24 A. Not personally. However, 13:02:27</p> <p>25 employees at the agency have. 13:02:30</p>	<p>Page 140</p> <p>1 response to the interrogatories? 13:03:58</p> <p>2 A. Looks like it's on page 6, line 13:04:03</p> <p>3 -- the sentence starting on line 1 through 13:04:10</p> <p>4 4. 13:04:13</p> <p>5 Q. Is this the report that's 13:04:16</p> <p>6 identified in footnote number 3 on page 6? 13:04:19</p> <p>7 A. Yes, it is. 13:04:23</p> <p>8 Q. Okay. 13:04:23</p> <p>9 A. Appears to be so. 13:04:25</p> <p>10 Q. Do you know why this report is 13:04:26</p> <p>11 referenced in footnote number 3 on page 6 of 13:04:27</p> <p>12 FEMA's interrogatory responses? 13:04:31</p> <p>13 A. Yes, this report provides 13:04:32</p> <p>14 additional information related to the 13:04:36</p> <p>15 intentional omissions of the debtor in terms 13:04:39</p> <p>16 of the proper maintenance and care of its 13:04:43</p> <p>17 electrical system. 13:04:48</p> <p>18 Q. Can you identify any part of 13:04:49</p> <p>19 this report where the CPUC determined that 13:04:51</p> <p>20 PG&E intentionally caused any wildfires? 13:04:55</p> <p>21 MR. TYE: United States objects 13:04:58</p> <p>22 to that question as beyond the scope 13:04:58</p> <p>23 of the 30(b)(6) notice. 13:04:59</p> <p>24 The witness can answer as to his 13:05:01</p> <p>25 personal knowledge for this issue, but 13:05:03</p>

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<p>1 the testimony is not in his 30(b)(6) 13:05:04 2 capacity on behalf of FEMA. 13:05:06 3 MR. GOODMAN: Again, we 13:05:08 4 disagree. 13:05:09</p> <p>5 A. Okay. Like the other documents, 13:05:13 6 the agency put this forward because it 13:05:14 7 provides information related to the 13:05:18 8 intentional omissions of the debtor by 13:05:20 9 showing that they were on notice of the 13:05:23 10 maintenance and issues and that such issues 13:05:26 11 have caused property damage and loss of 13:05:30 12 life. 13:05:33</p> <p>13 Q. Okay. 13:05:33</p> <p>14 But is there any findings in 13:05:33 15 this report with respect to PG&E's intent to 13:05:35 16 cause any wildfires? 13:05:40</p> <p>17 MR. TYE: The United States 13:05:42 18 objects to that question as beyond the 13:05:43 19 scope of the 30(b)(6) notice. 13:05:44</p> <p>20 The witness can answer as to his 13:05:46 21 personal knowledge for this issue, but 13:05:47 22 that testimony is not in his 30(b)(6) 13:05:48 23 capacity on behalf of FEMA. 13:05:51</p> <p>24 MR. GOODMAN: Again, we 13:05:52 25 disagree. It is. 13:05:53</p>	<p>1 interrogatories. 13:07:29 2 Q. What part of this document 13:07:31 3 supports the factual basis for FEMA's claims 13:07:32 4 against PG&E? 13:07:34</p> <p>5 MR. TYE: Again, United States 13:07:35 6 objects to that question as beyond the 13:07:36 7 scope of the 30(b)(6) notice. 13:07:38</p> <p>8 The witness can answer as to his 13:07:40 9 personal knowledge for the issue, but 13:07:41 10 the testimony is not in his 30(b)(6) 13:07:43 11 capacity on behalf of FEMA. 13:07:45</p> <p>12 A. As I stated in my prior 13:07:49 13 response, I personally have not reviewed 13:07:51 14 this particular report. It was reviewed by 13:07:52 15 another individual in my office, so I can't 13:07:55 16 point to specific pages. 13:07:59</p> <p>17 MR. GOODMAN: I would like to 13:08:00 18 hand you what is being marked as 13:08:27 19 Exhibit 13. 13:08:33</p> <p>20 [Deposition Exhibit 13 marked 13:09:02 21 for identification.] 13:09:04</p> <p>22 MR. GOODMAN: 13:09:04</p> <p>23 Q. Can you identify the document 13:09:08 24 we've marked as Exhibit 13? 13:09:11</p> <p>25 A. This is the CPUC Safety and 13:09:17</p>
<p>Page 142</p> <p>1 A. I don't believe this report 13:06:11 2 provides its own conclusions on that. But, 13:06:11 3 again, it provides general evidence that 13:06:14 4 would support the agency's position 13:06:16 5 regarding intentional omission. 13:06:18</p> <p>6 Q. And what evidence is that? 13:06:20</p> <p>7 A. Generally speaking it would be 13:06:26 8 the information regarding the lack of 13:06:27 9 sufficient maintenance activities by PG&E 13:06:35 10 and the fact that such issues have created 13:06:37 11 property damage and loss of life. 13:06:40</p> <p>12 Q. But is there any findings in 13:06:48 13 this report regarding PG&E's intent, 13:06:49 14 specifically the intent to cause a wildfire? 13:06:55</p> <p>15 MR. TYE: Objection, asked and 13:06:58 16 answered. 13:07:00</p> <p>17 A. Well, as I previously stated I 13:07:09 18 have not personally reviewed this entire 13:07:11 19 report, so I'm unable to answer the question 13:07:13 20 fully. 13:07:15</p> <p>21 Q. Is this a document that FEMA is 13:07:18 22 relying on to support the factual basis for 13:07:19 23 its claims against PG&E? 13:07:22</p> <p>24 A. Yes, it's one of the many 13:07:26 25 documents cited in our response to the 13:07:27</p>	<p>Page 144</p> <p>1 Enforcement Division Incident Investigation 13:09:22 2 Report for the Butte Fire dated March 29, 13:09:26 3 2017. 13:09:35</p> <p>4 Q. Is this a document that FEMA is 13:09:36 5 relying on to support the factual basis for 13:09:38 6 its claims against PG&E? 13:09:40</p> <p>7 A. Yes. 13:09:40</p> <p>8 Q. Can you identify for me any part 13:09:47 9 of this report that indicates that PG&E 13:09:49 10 intentionally caused any wildfires? 13:09:54</p> <p>11 MR. TYE: United States objects 13:09:57 12 to that question as beyond the scope 13:09:58 13 of the 30(b)(6) notice. 13:09:59</p> <p>14 The witness can answer to his 13:10:01 15 personal knowledge for this issue, but 13:10:02 16 that testimony is not in his 30(b)(6) 13:10:03 17 capacity on behalf of FEMA. 13:10:06</p> <p>18 A. So as I've stated many times, 13:10:38 19 FEMA is alleging intentional omissions by 13:10:40 20 the debtor that resulted in the fires. This 13:10:42 21 particular report identifies several 13:10:45 22 violations of state law related to the Butte 13:10:50 23 Fire. 13:11:04</p> <p>24 Q. Does this report discuss any 13:11:04 25 intentional actions taken by PG&E that would 13:11:06</p>

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<p>1 have caused the Butte Fire? 13:11:09 2 MR. TYE: Object to the form of 13:11:13 3 that question. Also the United States 13:11:14 4 objects to that question as beyond the 13:11:16 5 scope of the 30(b)(6) notice. 13:11:17 6 The witness can answer as to his 13:11:19 7 personal knowledge of this issue, but 13:11:20 8 his testimony is it not in his 13:11:22 9 30(b)(6) capacity on behalf of FEMA. 13:11:24 10 A. This report does not appear to 13:11:39 11 contain any information related to 13:11:40 12 intentional acts, only omissions by the 13:11:42 13 debtor. 13:11:43 14 Q. What intentional omissions does 13:12:02 15 this report discuss that would be omissions 13:12:05 16 that FEMA would be relying on to support its 13:12:07 17 claims? 13:12:10 18 MR. TYE: Objection, calls for 13:12:11 19 legal conclusion. 13:12:13 20 Also the United States objects 13:12:17 21 to that question as beyond the scope 13:12:18 22 of the 30(b)(6) notice. 13:12:19 23 The witness can answer to his 13:12:21 24 personal knowledge for this issue, but 13:12:22 25 his testimony is not in his 30(b)(6) 13:12:24</p>	<p>1 Enforcement Division Incident Investigation 13:13:53 2 Report For the Camp Fire dated November 8, 13:13:54 3 2019. 13:13:58 4 Q. Is this a document that FEMA is 13:13:59 5 relying on to support the factual basis for 13:14:00 6 its claims against PG&E? 13:14:03 7 A. Yes. 13:14:03 8 Q. Could you identify any part of 13:14:08 9 this report that indicates that PG&E 13:14:11 10 intentionally caused any wildfires? 13:14:14 11 MR. TYE: United States objects 13:14:16 12 to that question as beyond the scope 13:14:17 13 of the 30(b)(6) notice. 13:14:18 14 The witness can answer as to his 13:14:19 15 personal knowledge for this issue, but 13:14:21 16 the testimony is not in his 30(b)(6) 13:14:22 17 capacity on behalf of FEMA. 13:14:24 18 A. Again, FEMA is alleging 13:14:31 19 intentional omissions by the debtor. This 13:14:33 20 particular report provides evidence of 12 13:14:35 21 violations of -- related to the -- from the 13:14:38 22 CPUC, which provides evidence of their -- 13:14:43 23 again, their omissions in operating a safe 13:14:49 24 electrical system, which ended up sparking 13:14:53 25 the Camp Fire. 13:14:55</p>
<p style="text-align: right;">Page 146</p> <p>1 capacity on behalf of FEMA. 13:12:27 2 A. This report identifies specific 13:12:31 3 omissions that the debtor -- by the debtor 13:12:35 4 related to vegetation management which 13:12:39 5 combined with information in our other 13:12:41 6 evidence shows the knowledge of the 13:12:44 7 potential outcome of those failure -- of 13:12:47 8 those omissions. 13:12:50 9 Q. Okay. 13:12:50 10 Where is that in the report? 13:12:52 11 A. Again, this specific report 13:12:58 12 specifically addresses the issue of PG&E's 13:13:01 13 improper vegetation management activities 13:13:04 14 related to the Butte Fire and violations of 13:13:06 15 state law. 13:13:10 16 Q. Okay. 13:13:10 17 A. And maintenance of conductors, 13:13:15 18 it looks -- yes. 13:13:19 19 MR. GOODMAN: Go ahead and mark 13:13:20 20 Exhibit Number 14. 13:13:24 21 [Deposition Exhibit 14 marked 13:13:41 22 for identification.] 13:13:42 23 MR. GOODMAN: 13:13:42 24 Q. Can you identify this document? 13:13:44 25 A. Yes, this is the CPUC Safety and 13:13:47</p>	<p style="text-align: right;">Page 148</p> <p>1 Q. Okay. 13:14:55 2 Does this report specify any 13:14:58 3 intentional actions taken by PG&E? 13:15:00 4 MR. TYE: The United States 13:15:05 5 objects to that question as beyond the 13:15:06 6 scope of the 30(b)(6) notice. 13:15:08 7 The witness can answer as to his 13:15:09 8 personal knowledge for this issue, but 13:15:11 9 his testimony is not in his 30(b)(6) 13:15:13 10 testimony on behalf of FEMA. 13:15:16 11 A. I don't see anything in this 13:15:50 12 report that would relate to intentional 13:15:51 13 actions, just omissions. 13:15:53 14 Q. Okay. I'm going to hand you 13:15:54 15 what we've marked as Exhibit 15? 13:16:08 16 [Deposition Exhibit 15 marked 13:16:31 17 for identification.] 13:16:33 18 MR. GOODMAN: 13:16:33 19 Q. Can you identify this document? 13:16:34 20 A. This is the CPUC Safety and 13:16:38 21 Enforcement Division Incident Investigation 13:16:46 22 Report Related to the Nuns Fire dated April 13:16:47 23 30, 2019. 13:16:52 24 Q. Is this a document that FEMA is 13:16:55 25 relying on to support the factual basis for 13:16:57</p>

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<p>1 its claims against PG&E? 13:17:00 2 A. Yes. 13:17:04 3 Q. Can you identify any part of 13:17:04 4 this document where the CPUC determined that 13:17:06 5 PG&E intentionally caused any wildfires? 13:17:08 6 MR. TYE: United States objects 13:17:11 7 to that question as beyond the scope 13:17:11 8 of the 30(b)(6) notice. 13:17:13 9 The witness can answer as to his 13:17:14 10 personal knowledge for this issue, but 13:17:15 11 this testimony is not in his 30(b)(6) 13:17:17 12 capacity on behalf of FEMA. 13:17:21 13 A. Similar to the other reports, 13:17:24 14 FEMA is utilizing this document as evidence 13:17:26 15 of intentional omissions by the debtor 13:17:28 16 related to violations of state law. 13:17:32 17 Q. Are there any intentional 13:17:36 18 actions referenced in this report that FEMA 13:17:38 19 is relying on? 13:17:40 20 MR. TYE: Same objection as to 13:17:42 21 scope. 13:17:43 22 A. I do not see anything in this 13:17:51 23 report that would relate to intentional 13:18:14 24 actions, just omissions. 13:18:16 25 MR. GOODMAN: Go ahead and mark 13:18:17 </p>	<p>Page 150</p> <p>1 omissions by the debtor, specifically 13:19:36 2 related to the five violations of state law 13:19:38 3 identified by the CPUC. 13:19:41 4 Q. Is it relying on this document 13:19:44 5 in support of any intentional actions taken 13:19:45 6 by PG&E? 13:19:48 7 MR. TYE: Same objection as to 13:19:49 8 scope. 13:19:50 9 A. No, this report would not 13:20:04 10 provide evidence of intentional actions, 13:20:05 11 just omissions. 13:20:07 12 Q. And what omissions would that 13:20:09 13 be? 13:20:11 14 MR. TYE: Same objection as to 13:20:12 15 scope. 13:20:13 16 A. The report identifies several 13:20:24 17 violations of state law, including improper 13:20:27 18 vegetation management and maintenance issues 13:20:30 19 of equipment. 13:20:45 20 Q. Okay. 13:20:45 21 We've now been through three 13:20:57 22 CAL FIRE press releases and I believe seven 13:21:01 23 CPUC reports. Do you agree with me that 13:21:05 24 none of these documents contain any findings 13:21:11 25 that PG&E's goal or desire was to cause any 13:21:17 </p>
<p>1 Exhibit Number 16. 13:18:34 2 [Deposition Exhibit 16 marked 13:18:34 3 for identification.] 13:18:35 4 MR. GOODMAN: 13:18:35 5 Q. Can you identify this document? 13:18:45 6 A. This is the CPUC Safety and 13:18:46 7 Enforcement Division Incident Investigation 13:18:50 8 Report for the Atlas Fire dated May 2, 2019. 13:18:51 9 Q. Is this a document that FEMA is 13:18:55 10 relying on to support the factual basis for 13:18:59 11 its claims against PG&E? 13:19:02 12 A. Yes. 13:19:02 13 Q. Could you identify for me any 13:19:06 14 part of this report that indicates that PG&E 13:19:09 15 intentionally caused any wildfires? 13:19:13 16 MR. TYE: The United States 13:19:16 17 objects to that question as beyond the 13:19:16 18 scope of the 30(b)(6) notice. 13:19:18 19 The witness can answer as to his 13:19:19 20 personal knowledge for this issue, but 13:19:21 21 the testimony is not in his 30(b)(6) 13:19:22 22 capacity on behalf of FEMA. 13:19:24 23 A. Similar to the other reports, 13:19:28 24 FEMA is relying on this document for 13:19:30 25 information of -- related to intentional 13:19:33 </p>	<p>Page 151</p> <p>1 wildfires? 13:21:24 2 MR. TYE: Object to the form. 13:21:26 3 A. As stated previously, FEMA's 13:21:35 4 position is that intentional omissions by 13:21:37 5 the debtor caused the fire incidents but we 13:21:40 6 do not allege that that was the goal of 13:21:44 7 PG&E. 13:21:46 8 Q. Okay. 13:21:46 9 And you would agree that none of 13:21:49 10 the reports that we have reviewed by the 13:21:51 11 CPUC and none of the press releases that we 13:21:55 12 have reviewed from CAL FIRE make any 13:21:58 13 findings as to PG&E's goals or desires 13:22:04 14 pertaining to causing any wildfires? 13:22:10 15 MR. TYE: Object to the form and 13:22:16 16 objection, calls for a legal 13:22:17 17 conclusion. 13:22:18 18 A. The various reports we've 13:22:21 19 discussed all go towards demonstrating 13:22:22 20 intentional omissions by PG&E resulting in 13:22:26 21 the conditions leading to the wildfires, but 13:22:29 22 I would agree that they do not show any goal 13:22:31 23 or desire of PG&E for a fire to occur. 13:22:35 24 MR. HEYN: Mat Heyn. 13:22:37 25 [Voice from teleconference.] 13:22:50 </p>

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1 MR. GOODMAN: Take a quick 13:22:53	1 Q. Was an emergency declaration 13:32:20
2 break? Getting dry in the mouth. 13:22:55	2 made in respect of the Camp Fire? 13:32:26
3 Thanks. Like five minutes. 13:22:57	3 A. Yes. There was also an 13:32:30
4 THE VIDEOGRAPHER: Going off the 13:23:02	4 emergency declaration issued on November 9, 13:32:31
5 record at 1:23 p.m. 13:23:03	5 which is the FEMA-3409-EM-CA referenced in 13:32:38
6 [Recess at 1:23 p.m.] 13:23:05	6 that same paragraph. 13:32:44
7 [Resuming at 1:13 p.m.] 13:23:11	7 Q. Okay. 13:32:44
8 THE VIDEOGRAPHER: We are back 13:30:08	8 Did the disaster declaration 13:32:50
9 on the record at 1:30 p.m., and this 13:30:14	9 authorize FEMA to provide assistance under 13:32:54
10 marks -- sorry, we're continuing media 13:30:17	10 the Stafford Act? 13:32:56
11 number 3. 13:30:19	11 A. Yes. 13:32:56
12 EXAMINATION CONTINUING 13:30:19	12 Q. Okay. 13:32:56
13 MR. GOODMAN: 13:30:19	13 I'm going to hand you what we're 13:33:00
14 Q. Okay. So you previously 13:30:22	14 going to mark as Exhibit Number 17. 13:33:02
15 testified that FEMA is relying on reports 13:30:24	15 [Deposition Exhibit 17 marked 13:33:20
16 that were prepared by CAL FIRE; correct? 13:30:27	16 for identification.] 13:33:22
17 A. Yes. 13:30:27	17 MR. GOODMAN: 13:33:22
18 Q. Okay. 13:30:27	18 Q. Can you identify this document? 13:33:22
19 Did FEMA take any actions to 13:30:35	19 A. Yes. This is the initial notice 13:33:25
20 independently verify any of the conclusions 13:30:36	20 of the -- let's see -- of the major disaster 13:33:29
21 reached by CAL FIRE in any of those reports? 13:30:39	21 declaration for the Camp Fire, and this is 13:33:34
22 A. No, we haven't done a separate 13:30:42	22 the printout from the FEMA website. 13:33:43
23 review from -- 13:30:47	23 Q. Is this the disaster declaration 13:33:47
24 Q. Okay. 13:30:47	24 referenced on page 1 of the Camp Fire -- 13:33:49
25 And same question for the CPUC: 13:30:50	25 sorry. 13:33:52

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1 You testified that FEMA is relying on 13:30:51	1 Is this the disaster declaration 13:33:52
2 reports that were prepared by the CPUC; 13:30:55	2 referenced on page 2 of the Camp Fire claim? 13:33:54
3 correct? 13:30:57	3 A. Yes, this is the initial notice 13:33:56
4 A. Correct. 13:30:57	4 for that disaster, major disaster 13:33:59
5 Q. Has FEMA taken any actions to 13:30:58	5 declaration. 13:34:02
6 independently verify any of the conclusions 13:31:00	6 Q. Okay. 13:34:02
7 reached by the CPUC in any of those reports? 13:31:02	7 I want to direct your attention 13:34:04
8 A. No, we have not done a separate 13:31:06	8 to the paragraph that starts at the bottom 13:34:06
9 independent process. 13:31:08	9 of page 1. Go ahead and read it for you. 13:34:07
10 Q. Okay. 13:31:09	10 Begins: 13:34:12
11 You can go back to Exhibit 13:31:13	11 "Supplementary information. 13:34:12
12 Number 5, which is the Camp Fire claim. 13:31:15	12 "Notice is hereby given that in 13:34:14
13 If you go to page 2 of the 13:31:26	13 a letter dated November 12, 2018 the 13:34:16
14 attachment, do you see the reference in the 13:31:28	14 president issued a major disaster 13:34:19
15 first full paragraph to "FEMA-4407-DR-CA"? 13:31:36	15 declaration under the authority of the 13:34:21
16 A. Yes. 13:31:36	16 Robert T. Stafford Disaster Relief and 13:34:23
17 Q. What is FEMA-4407-DR-CA? 13:31:48	17 Emergency Assistance Act, 42 USC 5121 et 13:34:27
18 A. Each major disaster declaration 13:31:55	18 seq., the Stafford Act, as follows: 13:34:32
19 issued by the president receives a numerical 13:31:59	19 "I have determined that the 13:34:34
20 identifier. And so the numerical identifier 13:32:04	20 damage in certain areas of the State of 13:34:35
21 for that disaster declaration was 4407. The 13:32:07	21 California resulting from wildfires 13:34:37
22 "DR" refers to the fact that it's a major 13:32:11	22 beginning on November 8, 2018, and 13:34:40
23 disaster declaration instead of an emergency 13:32:15	23 continuing as of sufficient severity and 13:34:42
24 declaration. And the "CA" refers to the 13:32:17	24 magnitude to warrant a major disaster 13:34:45
25 State of California. 13:32:19	25 declaration under the Robert T. Stafford 13:34:48

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<p>1 Disaster Relief and Emergency Assistance 13:34:50 2 Act, 42 USC 5121 et seq., the Stafford Act. 13:34:55 3 Therefore, I declare that such a major 13:34:56 4 disaster exists in the State of California." 13:34:58 5 Did I generally read that 13:35:02 6 correctly? 13:35:03 7 A. Yes, I think you added a few 13:35:04 8 words but that was pretty close. 13:35:06 9 Q. Okay. I did my best. 13:35:07 10 So the question is this: 13:35:08 11 Did the Camp Fire begin on about 13:35:10 12 November 8, 2018? 13:35:13 13 A. Yes. 13:35:13 14 Q. All right. 13:35:13 15 Is the reference to the 13:35:17 16 wildfires beginning on November 8, 2018 the 13:35:19 17 2018 Camp Fire? 13:35:22 18 MR. TYE: Object to the form. 13:35:24 19 A. This specific major disaster 13:35:27 20 declaration also included two other 13:35:31 21 wildfires, the Hill Fire and the Woolsey 13:35:33 22 Fire. And so I don't know what the specific 13:35:36 23 start dates of those fires were, whether 13:35:44 24 they started on November 8 or sometime 13:35:48 25 thereafter. 13:35:51</p>	<p>1 alleges that the condition resulting in the 13:37:04 2 Camp Fire would have been the electrical 13:37:06 3 system from PG&E being the source of 13:37:10 4 ignition of that fire. 13:37:12 5 Q. Okay. 13:37:14 6 Other than the damage resulting 13:37:15 7 from the wildfires beginning on November 8, 13:37:17 8 2018 and continuing, is there any other 13:37:21 9 condition identified in this document for 13:37:24 10 which federal assistance was provided under 13:37:27 11 the Stafford Act? 13:37:29 12 MR. TYE: Object to the form. 13:37:33 13 A. Again, the identified incident 13:37:37 14 type is wildfires. There are many 13:37:38 15 conditions that could have contributed to 13:37:41 16 the wildfires. 13:37:43 17 In this case the PG&E electrical 13:37:45 18 grid being the source of ignition for the 13:37:49 19 Camp Fire and the Southern California Edison 13:37:51 20 electrical grid being the source of 13:37:55 21 admission for the Hill and Woolsey fires. 13:37:57 22 Q. Okay. 13:37:59 23 But the question is, other than 13:38:01 24 the damage resulting from the wildfires 13:38:02 25 beginning on November 8, 2018, is there any 13:38:06</p>
<p>Page 158</p> <p>1 Q. Okay. 13:35:51 2 Where do you see that in the 13:35:56 3 disaster declaration? 13:35:56 4 A. Well, if you look at the page 3, 13:35:57 5 you will see that the areas designated for 13:36:03 6 assistance were Butte, Los Angeles and 13:36:07 7 Ventura Counties. And so the fires in 13:36:12 8 Los Angeles and Ventura County occurring 13:36:15 9 near that time were the Hill and Woolsey 13:36:18 10 Fires. The fire is not referenced by name, 13:36:20 11 however, in this notice. 13:36:23 12 Q. This is the notice that would 13:36:24 13 have included the Camp Fire? 13:36:26 14 A. Yes, it is. 13:36:27 15 Q. Okay. 13:36:28 16 Is the damage resulting from the 13:36:31 17 2018 Camp Fire the condition identified in 13:36:34 18 Exhibit 17 that led to the president issuing 13:36:37 19 a disaster declaration? 13:36:41 20 MR. TYE: Object to the form. 13:36:46 21 A. Well, FEMA issues major disaster 13:36:47 22 declarations based on incident type. So the 13:36:51 23 incident type for this major disaster 13:36:54 24 declaration would have been wildfires, one 13:36:57 25 of which was the Camp Fire. However FEMA 13:36:59</p>	<p>Page 160</p> <p>1 other condition that identified in this 13:38:09 2 document for which federal assistance was 13:38:12 3 provided under the Stafford Act? 13:38:14 4 MR. TYE: Objection, asked and 13:38:16 5 answered. 13:38:17 6 A. There is no rare condition 13:38:18 7 identified in this document. But, again, 13:38:22 8 the underlying condition resulting in those 13:38:24 9 fires is the source -- is, as I stated, the 13:38:27 10 source of ignition of these fires would be 13:38:32 11 the condition resulting in those fires. 13:38:47 12 Q. But that doesn't appear anywhere 13:38:49 13 in the document; correct? 13:38:52 14 MR. TYE: Objection, asked and 13:38:54 15 answered. 13:39:00 16 A. Correct, but these documents do 13:39:00 17 not identify all underlying events that 13:39:01 18 might be included in that incident type. 13:39:04 19 Q. But they do identify the 13:39:09 20 condition that resulted in federal 13:39:10 21 assistance being provided; correct? 13:39:13 22 A. They identify wildfires which 13:39:14 23 require a source of ignition. 13:39:17 24 Q. But according to the document, 13:39:18 25 the wildfire and the damage resulting 13:39:26</p>

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<p>1 therefrom, that is the cause of the federal 13:39:30 2 assistance being provided; correct? 13:39:32 3 MR. TYE: Objection to form. 13:39:34 4 Objection, asked and answered. 13:39:35 5 A. FEMA provided assistance to 13:39:37 6 respond and recover to the wildfires. 13:39:51 7 Again, our position is the underlying 13:39:59 8 condition of wildfires was the electrical 13:40:00 9 grid for the Camp Fire. 13:40:05 10 Q. Did FEMA go out and provide 13:40:08 11 federal assistance to repair the -- the 13:40:10 12 electrical grid before the Camp Fire 13:40:12 13 occurred? 13:40:16 14 MR. TYE: Objection, form. 13:40:19 15 A. FEMA doesn't provide assistance 13:40:21 16 to private for-profit entities. So we would 13:40:22 17 not have provided assistance to PG&E before 13:40:25 18 or after the fires. 13:40:28 19 Q. Right. You provide assistance 13:40:34 20 when there is a major disaster declaration; 13:40:35 21 correct? 13:40:38 22 A. Correct. But we also only 13:40:38 23 provide assistance to eligible applicants, 13:40:40 24 which are state, local governments and 13:40:42 25 private nonprofit entities. So we would 13:40:45</p>	<p>1 If you go back to Exhibit 13:42:35 2 Number 4, which is the Butte Fire claim, I 13:42:37 3 believe there's a reference on page 2 of the 13:42:44 4 attachment to FEMA-4240-DR-CA. Do you see 13:42:46 5 that? 13:42:56 6 A. Yes. 13:42:56 7 Q. Is this Exhibit 18 the disaster 13:43:00 8 declaration referenced in the Butte Fire 13:43:05 9 claim? 13:43:07 10 A. This document Exhibit 18 is the 13:43:10 11 initial notice for that major disaster 13:43:13 12 declaration. That declaration included both 13:43:15 13 the Butte Fire as well as the Valley Fire 13:43:20 14 which occurred in Lake County. And so this 13:43:22 15 initial notice was only for the Valley Fire 13:43:26 16 and Lake County. The disaster declaration 13:43:32 17 was later amended to include the Butte Fire. 13:43:34 18 Q. Okay. 13:43:37 19 Did FEMA provide assistance as a 13:43:48 20 result of this declaration? 13:43:50 21 A. Yes. 13:43:50 22 Q. What assistance did FEMA 13:43:54 23 provide? 13:43:56 24 A. For this declaration FEMA 13:43:56 25 provided public assistance to state agencies 13:44:00</p>
<p>Page 162</p> <p>1 never be providing any kind of financial 13:40:47 2 assistance to a private for-profit entity 13:40:49 3 such as PG&E. 13:40:52 4 Q. So there would never be a 13:40:54 5 circumstance under which FEMA would go out 13:40:55 6 and make updates and repairs to PG&E's 13:40:57 7 electrical grid; is that correct? 13:41:04 8 MR. TYE: Object to the form and 13:41:06 9 object to that question as beyond the 13:41:07 10 scope of the 30(b)(6) notice. 13:41:09 11 The witness can answer to his 13:41:10 12 personal knowledge for this issue, but 13:41:11 13 the testimony is not in his 30(b)(6) 13:41:12 14 capacity on behalf of FEMA. 13:41:14 15 A. Correct, that would fall outside 13:41:19 16 FEMA's authorities. 13:41:21 17 MR. GOODMAN: Okay. Go ahead 13:41:49 18 and mark Exhibit Number 18. 13:41:49 19 [Deposition Exhibit 18 marked 13:42:04 20 for identification.] 13:42:04 21 BY MR. GOODMAN: 13:42:18 22 Q. Can you identify this document? 13:42:18 23 A. This is the initial notice of a 13:42:19 24 major disaster declaration for FEMA-4240-DR. 13:42:26 25 Q. Okay. 13:42:32</p>	<p>Page 164</p> <p>1 and local governments and eligible private 13:44:03 2 nonprofits in Calaveras County specific for 13:44:08 3 the Butte Fire, and we also provided our 13:44:12 4 individual assistance program. And the 13:44:15 5 hazard mitigation program was also 13:44:17 6 authorized for this declaration. 13:44:20 7 Q. Okay. 13:44:21 8 MR. GOODMAN: Go ahead and mark 13:44:27 9 Exhibit Number 19. 13:44:28 10 [Deposition Exhibit 19 marked 13:44:28 11 for identification.] 13:44:54 12 MR. GOODMAN: 13:44:54 13 Q. Can you identify this document? 13:44:54 14 A. Yes. This is the initial notice 13:44:59 15 for the major disaster declaration that was 13:45:01 16 issued for FEMA-4344-DR, which is the -- 13:45:03 17 includes the wildfires from the 2017 13:45:13 18 Northern California Wildfires. 13:45:21 19 Q. If you go back to Exhibit 3, 13:45:29 20 which is the North Bay Fires claim, on page 13:45:30 21 2 there is a reference to FEMA 4344-DR-CA. 13:45:34 22 Is this Exhibit Number 19 the disaster 13:45:40 23 declaration that's referenced by FEMA in its 13:45:47 24 proof of claim? 13:45:49 25 A. Yes, this is the same major 13:45:52</p>

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<p>1 disaster declaration. But I would also 13:45:54 2 point out that there were several amendments 13:45:56 3 to this initial notice that may have 13:45:59 4 included additional counties not mentioned 13:46:04 5 in this additional notice, which also, then, 13:46:06 6 would have covered additional fires. 13:46:09 7 Q. Again, if you look at the 13:46:16 8 paragraph beginning on the bottom of page 1 13:46:17 9 and continuing over to page 2, there's a 13:46:20 10 reference here to damage in certain areas of 13:46:25 11 the State of California resulting from 13:46:29 12 wildfires beginning on October 8, 2017. 13:46:32 13 Would you agree with me that that is the 13:46:35 14 condition for which this major disaster 13:46:38 15 declaration was issued? 13:46:42 16 A. Well, as discussed in my 13:46:43 17 previous response, the incident type for 13:46:46 18 this was also wildfires. So all wildfires 13:46:48 19 that occurred in the designated counties 13:46:51 20 during that incident period would be 13:46:55 21 included in the major disaster declaration. 13:46:57 22 Those wildfires have a number of sources of 13:47:00 23 ignition. The Northern California fires 13:47:05 24 were all related to the equipment of the 13:47:09 25 debtor. 13:47:13</p>	<p>1 question real quick? Just the end 13:47:58 2 part. I just want to see if I need to 13:48:00 3 object to that. 13:48:02 4 MR. GOODMAN: Yeah. 13:48:02 5 Q. As FEMA's Rule 30(b)(6) 13:48:04 6 designee, can you identify any other 13:48:05 7 instances beyond the claims filed in this 13:48:08 8 case where FEMA has formally sought recovery 13:48:11 9 under section 317 of the Stafford Act? 13:48:15 10 A. Based on our review of agency 13:48:17 11 records and discussions of individuals with 13:48:23 12 historical knowledge, we're not aware of any 13:48:26 13 other incident of FEMA using section 317 to 13:48:28 14 recover costs. 13:48:31 15 Q. Am I correct though what has 13:48:39 16 caused FEMA to invoke section 317 of the 13:48:41 17 Stafford Act in this case are the 13:48:44 18 intentional omissions that we have 13:48:47 19 previously discussed? 13:48:49 20 MR. TYE: Object to the form. 13:48:53 21 A. Yes, FEMA alleges that 13:48:59 22 intentional omissions by the debtor 13:49:00 23 occurred, which resulted in the need for 13:49:03 24 federal assistance. 13:49:05 25 Q. Okay. 13:49:05</p>
<p>Page 166</p> <p>1 Q. And did FEMA provide assistance 13:47:15 2 as a result of this declaration? 13:47:18 3 A. Yes. 13:47:18 4 Q. And what assistance did FEMA 13:47:23 5 provide? 13:47:24 6 A. FEMA provided its public 13:47:24 7 assistance program, its individual 13:47:27 8 assistance program, and also the Hazard 13:47:29 9 Mitigation Grant Program. 13:47:32 10 Q. Okay. 13:47:32 11 We discussed you're familiar 13:47:34 12 with section 317 of the Stafford Act; 13:47:35 13 correct? 13:47:38 14 A. Yes. 13:47:40 15 Q. Okay. 13:47:40 16 And you're aware that FEMA has 13:47:40 17 invoked section 317 of the Stafford Act in 13:47:41 18 its claims against PG&E? 13:47:44 19 A. Yes. 13:47:44 20 Q. Okay. 13:47:44 21 As the 30(b)(6) designee can you 13:47:47 22 identify any other instances where FEMA has 13:47:50 23 formally sought recovery under section 317 13:47:52 24 of the Stafford Act? 13:47:55 25 MR. TYE: Could you repeat that 13:47:57</p>	<p>Page 168</p> <p>1 Other than that, is there 13:49:09 2 anything else that has caused FEMA to invoke 13:49:11 3 section 317 of the Stafford Act in this 13:49:14 4 case? 13:49:16 5 MR. TYE: Object to the form. 13:49:18 6 A. In our response to the 13:49:23 7 interrogatories, we also referenced some 13:49:28 8 affirmative actions taken by PG&E in order 13:49:33 9 to aid its mission, such as misleading 13:49:36 10 regulators, withholding critical data and 13:49:43 11 hindering investigations in the years 13:49:45 12 leading up to the fires. 13:49:47 13 Q. Okay. 13:49:47 14 Other than that is there 13:49:50 15 anything else? 13:49:51 16 A. Could you just repeat? Other 13:49:52 17 than else for what? Repeat the question. 13:50:06 18 Q. I'm just trying to make sure I 13:50:10 19 understand what FEMA is relying on in 13:50:12 20 support of its proofs of claim. We've 13:50:14 21 talked about intentional omissions. We've 13:50:16 22 talked about the actions that you just 13:50:18 23 referenced. I'm just trying to figure out 13:50:20 24 if there is anything else that I'm missing 13:50:22 25 that FEMA would be relying on. 13:50:24</p>

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1 A. Well, I -- I'm discussing the 13:50:26	1 "debris removal"? 13:52:23
2 evidence FEMA is relying upon. I don't want 13:50:32	2 A. Yes. 13:52:23
3 to conclude on any other potential legal 13:50:34	3 Q. What does that mean to you? 13:52:25
4 arguments the agency might make. 13:50:37	4 A. That means the removal and -- 13:52:26
5 Q. Okay. 13:50:38	5 the clearance and removal of any number of 13:52:34
6 Is there any other evidence that 13:50:38	6 different types of debris. It could be 13:52:39
7 FEMA is relying on? 13:50:40	7 vegetative debris. It could be 13:52:41
8 A. Again, all the evidence we 13:50:41	8 construction-related debris. It could be 13:52:44
9 discussed today related to what's in our 13:50:43	9 vehicles that are damaged and deposited due 13:52:48
10 proof of claims. What's in the publicly 13:50:46	10 to a disaster. 13:52:51
11 available CAL FIRE/CPUC reports, publicly 13:50:49	11 Q. Is that term used to describe 13:52:52
12 available filings and the criminal 13:50:53	12 clearing a lot that has been severely 13:52:54
13 proceedings and any other evidence we may 13:50:55	13 impacted by a wild fire? 13:52:57
14 develop in the course of this litigation. 13:50:58	14 A. That would be a potential 13:53:01
15 Q. Okay. 13:51:00	15 eligible activity under our debris removal 13:53:03
16 Are there any CPUC reports that 13:51:01	16 program, yes. 13:53:06
17 you think that we missed that we haven't 13:51:03	17 Q. Okay. 13:53:06
18 discussed already in the course of today's 13:51:06	18 Do you know what percentage of 13:53:07
19 deposition that FEMA is relying on? 13:51:08	19 FEMA's claims against PG&E are for debris 13:53:09
20 MR. TYE: Object to the form of 13:51:13	20 removal costs? 13:53:15
21 that question. 13:51:14	21 A. I don't know the exact 13:53:26
22 MR. GOODMAN: 13:51:15	22 percentage off the top of my head, but I do 13:53:27
23 Q. I hope we got them all. I just 13:51:16	23 know it is over half of our claim. 13:53:29
24 want to know if there's any that stick out 13:51:17	24 Q. So it's over half of the 3.9 13:53:30
25 to you, sitting here today, reports that the 13:51:19	25 billion? 13:53:33

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1 CPUC prepared that FEMA is relying on? 13:51:23	1 A. Yes. 13:53:33
2 A. There are other CPUC reports 13:51:28	2 Q. Okay. 13:53:33
3 that identify violations of state law by the 13:51:29	3 Are you familiar with FEMA's 13:53:35
4 debtor other than those we discussed today. 13:51:32	4 Right of Entry Form? 13:53:36
5 Q. Which are those? 13:51:34	5 A. FEMA does not have a Right of 13:53:40
6 MR. TYE: United States rejects 13:51:37	6 Entry Form. 13:53:43
7 that question as beyond the scope of 13:51:38	7 Q. Do you know what a Right of 13:53:43
8 the 30(b)(6) notice. 13:51:39	8 Entry Form is? 13:53:45
9 The witness can answer as to his 13:51:40	9 A. Yes. 13:53:45
10 personal knowledge for this issue, but 13:51:41	10 Q. What is a Right of Entry Form? 13:53:45
11 the testimony is not in his 30(b)(6) 13:51:43	11 A. The Right of Entry Forms were 13:53:47
12 capacity on behalf of FEMA. 13:51:45	12 utilized by local governments during the 13:53:49
13 A. I mean, as we said I would be 13:51:48	13 private property debris removal mission in 13:53:54
14 referencing all the publicly available 13:51:52	14 order to obtain permission from the 13:53:58
15 reports that are out there. So I don't have 13:51:54	15 homeowners to come and clear debris from 13:54:03
16 a list of them all in front of me right now. 13:51:55	16 individual lots. 13:54:05
17 Q. Okay. 13:51:58	17 Q. Would FEMA have been aware of 13:54:06
18 Am I correct that part of the 13:52:00	18 the Right of Entry Forms that the local 13:54:07
19 cost that FEMA is attempting to recover from 13:52:02	19 governments were using? 13:54:10
20 PG&E is related to debris removal? 13:52:05	20 MR. TYE: Object to the form, 13:54:14
21 MR. TYE: Object to the form. 13:52:11	21 and United States objects to that 13:54:14
22 A. Yes, that's one eligible 13:52:13	22 question as beyond the scope of the 13:54:16
23 activity under the public assistance 13:52:17	23 30(b)(6) notice. 13:54:17
24 program. 13:52:19	24 The witness can answer as to his 13:54:18
25 Q. Are you familiar with the term 13:52:20	25 personal knowledge for this issue, but 13:54:21

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<p>1 the testimony is not in his 30(b)(6) 13:54:22 2 capacity on behalf of FEMA. 13:54:25 3 A. Yes, I'm aware that there was a 13:54:27 4 right -- there were rights of entries 13:54:31 5 collected for the debris removal missions 13:54:34 6 associated with this event, all three 13:54:38 7 events. 13:54:40</p> <p>8 Q. Can you think of any incident 13:54:41 9 where FEMA saw a Right of Entry Form that 13:54:43 10 was being utilized in connection with any of 13:54:45 11 the wildfires and objected to the language 13:54:46 12 that was contained in the form? 13:54:48</p> <p>13 MR. TYE: Same objection as to 13:54:50 14 scope. 13:54:52</p> <p>15 A. No, we reviewed the Right of 13:54:56 16 Entry Forms -- I wouldn't say "review." I 13:54:58 17 would say we've seen the Right of Entry 13:55:00 18 Forms before they were utilized by state and 13:55:02 19 local governments. 13:55:04</p> <p>20 Q. And if you had a problem with 13:55:05 21 those forms you could have expressed them to 13:55:07 22 the local government; is that correct? 13:55:09</p> <p>23 MR. TYE: Object to -- object to 13:55:11 24 form and also same objection as to 13:55:12 25 scope. 13:55:14</p>	<p>1 Were residents whose homes were 13:55:58 2 destroyed by the 2017 North Bay Fires asked 13:56:01 3 to sign a Right of Entry Form in order to 13:56:04 4 give contractors hired through the Army 13:56:06 5 Corps of Engineers the ability to access 13:56:10 6 damaged property? 13:56:11</p> <p>7 MR. TYE: Same objection. 13:56:12</p> <p>8 A. So in order for individuals to 13:56:13 9 have debris cleared from their lots under 13:56:18 10 that program, they would have been required 13:56:26 11 to sign a Right of Entry Form prior to that 13:56:28 12 work occurring. 13:56:31</p> <p>13 Q. Were representations made to 13:56:33 14 fire victims that if they signed a Right of 13:56:36 15 Entry Form they would not be charged more 13:56:39 16 than what is covered by insurance regardless 13:56:40 17 of the actual cost of the service? 13:56:42</p> <p>18 MR. TYE: United States objects 13:56:45 19 to that question as beyond the scope 13:56:46 20 of the 30(b)(6) notice. 13:56:47</p> <p>21 The witness can answer as to his 13:56:48 22 personal knowledge for this issue, but 13:56:50 23 the testimony is not in his 30(b)(6) 13:56:53 24 capacity on behalf of FEMA. 13:56:56</p> <p>25 A. I apologize for the delayed 13:57:18</p>
<p>Page 174</p> <p>1 A. Yes, but ultimately it's not 13:55:18 2 FEMA's form. 13:55:19</p> <p>3 Q. Okay. 13:55:20</p> <p>4 But it's a form that FEMA would 13:55:21 5 have reviewed before it was utilized? 13:55:22</p> <p>6 MR. TYE: Same objections. 13:55:25</p> <p>7 A. Yes, we would have seen the form 13:55:26 8 before it was utilized. 13:55:27</p> <p>9 Q. Okay. 13:55:27</p> <p>10 Were residents whose homes were 13:55:31 11 destroyed by the 2017 North Bay Fires asked 13:55:33 12 to sign a Right of Entry Form in order to 13:55:36 13 give contractors hired through the Army 13:55:38 14 Corps of Engineers the ability to access 13:55:41 15 damaged property? 13:55:43</p> <p>16 MR. TYE: The United States 13:55:44 17 object to that question as beyond the 13:55:45 18 scope of the 30(b)(6) notice. 13:55:46</p> <p>19 The witness can answer as to his 13:55:47 20 personal knowledge for this issue, but 13:55:49 21 his testimony is it not in his 13:55:51 22 30(b)(6) capacity on behalf of FEMA. 13:55:54</p> <p>23 A. Can you please repeat the 13:55:56 24 question? Sorry. 13:55:57</p> <p>25 Q. Sure. 13:55:58</p>	<p>Page 176</p> <p>1 response. I'm just trying to make sure I'm 13:57:20 2 differentiating between communications made 13:57:22 3 by FEMA and those made by the state. 13:57:24</p> <p>4 This mission was really led by 13:57:26 5 the state and FEMA was in a support role. 13:57:28</p> <p>6 MR. GOODMAN: Let's go ahead and 13:57:32 7 mark Exhibit 20. 13:57:34</p> <p>8 [Deposition Exhibit 20 marked 13:57:34 9 for identification.] 13:57:34</p> <p>10 BY MR. GOODMAN: 13:57:34</p> <p>11 Q. Can you identify this document? 13:58:00</p> <p>12 A. It's titled Debris Removal Right 13:58:05 13 of Entry Form Deadline, 11/13, posted on 13:58:08 14 November 3, 2017. 13:58:10</p> <p>15 Q. Do you see the second paragraph 13:58:15 16 on the first page? 13:58:16</p> <p>17 A. Yes. 13:58:19</p> <p>18 Q. Could you read that for me? 13:58:20</p> <p>19 A. "By submitting the ROE form, 13:58:21 20 residential property owners are granting 13:58:26 21 permission for contractors hired through the 13:58:28 22 U.S. Army Corps of Engineers to safely and 13:58:31 23 efficiently clean their property of 13:58:34 24 fire-related debris to clear the way for 13:58:37 25 rebuilding. Residents will not be charged 13:58:39</p>

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<p>1 more than what is covered by their 13:58:41 2 insurance, regardless of the actual cost of 13:58:43 3 the program." 13:58:45 4 Q. And this is language that FEMA 13:58:47 5 would have seen before it was utilized by 13:58:48 6 any local governmental entities; is that 13:58:51 7 correct? 13:58:54</p> <p>8 MR. TYE: The United States 13:58:54 9 objects to that question as beyond the 13:58:55 10 scope of the 30(b)(6) notice. 13:58:56</p> <p>11 The witness can answer as to his 13:58:57 12 personal knowledge for this issue, but 13:58:59 13 the testimony is not in his 30(b)(6) 13:59:00 14 capacity on behalf of FEMA. 13:59:02</p> <p>15 A. I don't know if this particular 13:59:07 16 one was reviewed by FEMA or not. I note 13:59:08 17 that it seems to be posted on 13:59:12 18 socoemergency.org/recover, which is not a 13:59:17 19 website that I'm familiar with. I believe 13:59:22 20 the state's website was 13:59:25 21 wildfirerecovery.org. And so if it was 13:59:30 22 posted by the state we likely would have 13:59:32 23 reviewed it. If it was posted by a local 13:59:34 24 government I can't say whether FEMA reviewed 13:59:36 25 it or not. 13:59:38</p>	<p>1 companies? 14:00:45 2 MR. TYE: The United States 14:00:46 3 objects to that question as beyond the 14:00:47 4 scope of the 30(b)(6) notice. 14:00:48 5 The witness can answer in this 14:00:49 6 personal knowledge for this issue, but 14:00:52 7 this testimony is not in his 30(b)(6) 14:00:54 8 capacity on behalf of FEMA. 14:00:58 9 A. So as part of our authorization 14:01:00 10 of private property debris removal under the 14:01:03 11 public assistance program, which is not a -- 14:01:06 12 it's not an automatically authorized 14:01:10 13 program. Private property debris removal 14:01:13 14 requires an additional level of 14:01:16 15 authorization. But per FEMA policy when we 14:01:18 16 authorize private property debris removal, 14:01:21 17 there is a requirement that state and local 14:01:24 18 governments attempt to collect potential 14:01:26 19 insurance proceeds from property owners that 14:01:31 20 may cover debris removal work for the 14:01:34 21 purpose of avoiding a duplication of 14:01:37 22 benefits. 14:01:40 23 Those insurance collections are 14:01:40 24 handled by the local government and not by 14:01:42 25 FEMA. 14:01:46</p>
<p>Page 178</p> <p>1 Q. Well, let me ask this question: 13:59:39 2 Is FEMA intending to cover costs 13:59:40 3 related to clearing lots from the victims 13:59:43 4 whose homes were destroyed? 13:59:46</p> <p>5 MR. TYE: Object to the form. 13:59:49</p> <p>6 A. No. Any recovery of costs 13:59:50 7 related to debris removal would be from the 13:59:53 8 State of California, who was the recipient 13:59:56 9 of the debris removal assistance. 13:59:58</p> <p>10 Q. Okay. 14:00:01</p> <p>11 So FEMA would not be intending 14:00:02 12 to recover costs related to clearing lots 14:00:04 13 from victims whose homes were destroyed? 14:00:08</p> <p>14 A. No. Our private property debris 14:00:12 15 removal was through the State of California. 14:00:16 16 So either financial assistance provided to 14:00:18 17 the state or direct assistance that we 14:00:20 18 provided to the state, and the only cost 14:00:22 19 FEMA would recover would be -- related to 14:00:25 20 that would be against the State of 14:00:28</p> <p>21 California. 14:00:29</p> <p>22 Q. Oh, I see. Okay. 14:00:31</p> <p>23 Has FEMA sought to recover any 14:00:35 24 costs associated with debris removal arising 14:00:39 25 from the wildfires from any insurance 14:00:42</p>	<p>Page 180</p> <p>1 Q. If the local government recovers 14:01:48 2 from an insurance company for the debris 14:01:50 3 removal costs though, does any of that money 14:01:53 4 flow back to FEMA? 14:01:56</p> <p>5 MR. TYE: Same objection as to 14:01:57 6 scope. 14:01:58</p> <p>7 A. So the way it's handled is that 14:02:00 8 when we provide the assistance to the state 14:02:06 9 for the private property debris removal, a 14:02:10 10 deduction is made based on an estimate of 14:02:14 11 what insurance recoveries are likely. So 14:02:18 12 any assistance that FEMA has provided to the 14:02:21 13 State of California up to this point would 14:02:24 14 not -- would have that deduction in there. 14:02:27 15 And so the final issue would be handling the 14:02:35 16 project closeout, which has not occurred for 14:02:38 17 the private property debris removal for 14:02:39 18 these disasters yet. 14:02:42</p> <p>19 Q. How would FEMA know what the 14:02:43 20 insurance amount is at the time when it 14:02:45 21 provided the initial funding? 14:02:49</p> <p>22 MR. TYE: Same objection as to 14:02:51 23 scope. 14:02:53</p> <p>24 A. I'm not sure how our public 14:02:56 25 assistance officials calculate or estimate 14:03:00</p>

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<p>1 that deduction. 14:03:04</p> <p>2 Q. Okay. 14:03:06</p> <p>3 So just so I understand this. 14:03:10</p> <p>4 Say my house burnt down in a wildfire and 14:03:12</p> <p>5 the Army Corps of Engineers shows up and 14:03:15</p> <p>6 clears the debris off the lot and I have 14:03:18</p> <p>7 insurance. Would FEMA or a state agency 14:03:20</p> <p>8 seek to recover some of the associated 14:03:25</p> <p>9 debris removal costs from the insurance 14:03:29</p> <p>10 company? 14:03:35</p> <p>11 MR. TYE: Same objection as to 14:03:35</p> <p>12 scope. Objection, calls for 14:03:36</p> <p>13 speculation. 14:03:38</p> <p>14 A. So, again, the insurance 14:03:39</p> <p>15 collection is handled at the local 14:03:43</p> <p>16 government legal level. So the state 14:03:44</p> <p>17 government and the federal government aren't 14:03:46</p> <p>18 involved in that process. 14:03:48</p> <p>19 But the local governments would 14:03:49</p> <p>20 potentially collect whatever portion of an 14:03:55</p> <p>21 insurance policy is related to debris 14:03:57</p> <p>22 removal. 14:03:59</p> <p>23 Q. And then when the local 14:04:00</p> <p>24 government gets that money, it wouldn't be 14:04:02</p> <p>25 required to upstream any to the state or to 14:04:03</p>	<p>1 until project closeout occurs. 14:05:10</p> <p>2 Q. Does FEMA intend on pursuing any 14:05:13</p> <p>3 claims against insurance companies for the 14:05:15</p> <p>4 cost of debris removal for the wildfires? 14:05:17</p> <p>5 MR. TYE: United States objects 14:05:20</p> <p>6 to that question as beyond the scope 14:05:21</p> <p>7 of the 30(b)(6) notice. 14:05:22</p> <p>8 The witness can answer as to his 14:05:23</p> <p>9 personal knowledge for the issue, but 14:05:25</p> <p>10 the testimony is not in his 30(b)(6) 14:05:26</p> <p>11 capacity on behalf of FEMA. 14:05:28</p> <p>12 A. We have no cause of action 14:05:32</p> <p>13 directly against insurance companies. 14:05:34</p> <p>14 Q. What do you mean by you don't 14:05:39</p> <p>15 have a cause of action against insurance 14:05:40</p> <p>16 companies? 14:05:45</p> <p>17 MR. TYE: Same objection as to 14:05:45</p> <p>18 scope. 14:05:47</p> <p>19 A. Well, we wouldn't have a basis 14:05:53</p> <p>20 under section 317, and we wouldn't have a 14:05:54</p> <p>21 basis under section 312 because they are not 14:05:58</p> <p>22 a recipient of federal assistance. 14:06:01</p> <p>23 Q. But FEMA could recover funds 14:06:16</p> <p>24 disbursed by an insurance company under a 14:06:24</p> <p>25 policy that covered debris removal; correct? 14:06:27</p>
<p>Page 182</p> <p>1 FEMA because whatever amount that FEMA 14:04:07</p> <p>2 disbursed in the first instance would have 14:04:10</p> <p>3 been net of the insurance? Do I have that 14:04:13</p> <p>4 right? 14:04:15</p> <p>5 MR. TYE: Objection as to scope, 14:04:16</p> <p>6 objection as to form. 14:04:18</p> <p>7 A. So that would be resolved at the 14:04:20</p> <p>8 closeout portion of that particular project 14:04:22</p> <p>9 for debris removal. 14:04:28</p> <p>10 So the idea would be that none 14:04:30</p> <p>11 of it would come back to FEMA at the end, 14:04:32</p> <p>12 but it would all depend on the final 14:04:34</p> <p>13 financial reconciliation, none of which has 14:04:37</p> <p>14 occurred for the debris removal projects for 14:04:39</p> <p>15 these three major disasters at this time. 14:04:42</p> <p>16 Q. So it's possible though if FEMA 14:04:44</p> <p>17 did put in more money into the system and 14:04:47</p> <p>18 the local government recovered substantial 14:04:53</p> <p>19 amount from the insurance companies, that 14:04:56</p> <p>20 some money could flow back to FEMA; correct? 14:04:59</p> <p>21 MR. TYE: Objection as to scope, 14:05:01</p> <p>22 objection to form. 14:05:02</p> <p>23 A. I mean, it's really speculative. 14:05:04</p> <p>24 I would have to -- it would be 14:05:05</p> <p>25 fact-dependent there. It's hard to say 14:05:08</p>	<p>Page 184</p> <p>1 MR. TYE: Same objection as to 14:06:31</p> <p>2 scope. 14:06:32</p> <p>3 A. Not directly. It would have to 14:06:33</p> <p>4 flow through the state and local government. 14:06:35</p> <p>5 Q. It come back to FEMA indirectly? 14:06:39</p> <p>6 MR. TYE: Same objection as to 14:06:43</p> <p>7 scope. 14:06:44</p> <p>8 A. It's possible but it would all 14:06:48</p> <p>9 have to be resolved at project close out. 14:06:49</p> <p>10 Q. Okay. 14:06:49</p> <p>11 Would FEMA ever recovery money 14:06:53</p> <p>12 from an insurance company and then seek to 14:06:57</p> <p>13 recover the same amounts from another 14:06:58</p> <p>14 source? 14:07:00</p> <p>15 MR. TYE: Same objection as to 14:07:03</p> <p>16 scope. Also object as to form. 14:07:04</p> <p>17 A. So again we wouldn't receive any 14:07:12</p> <p>18 funding from insurance companies. So could 14:07:15</p> <p>19 you just clarify your question? 14:07:18</p> <p>20 Q. Well, if FEMA were to recover 14:07:21</p> <p>21 3.9 billion dollars from PG&E, and you've 14:07:23</p> <p>22 testified that half of that claim is for 14:07:26</p> <p>23 debris removal costs, and it turns out that 14:07:29</p> <p>24 the lots at issue were fully insured. I 14:07:34</p> <p>25 mean, aren't we in a situation where you 14:07:37</p>

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<p>1 have double recovery? 14:07:40</p> <p>2 MR. TYE: Object to the form, 14:07:41</p> <p>3 object to mischaracterizes the prior 14:07:43</p> <p>4 testimony. Objection as to scope. 14:07:45</p> <p>5 A. So at this point, as I've 14:07:50</p> <p>6 stated, the initial grant of public 14:07:52</p> <p>7 assistance included a deduction for 14:07:57</p> <p>8 estimated insurance recoveries. So we don't 14:08:03</p> <p>9 see that as a very likely situation where 14:08:05</p> <p>10 there would be any double recovery. 14:08:07</p> <p>11 Q. Okay. 14:08:13</p> <p>12 But would give are FEMA give the 14:08:15</p> <p>13 money back to the insurance company if it 14:08:19</p> <p>14 had a double recovery? 14:08:21</p> <p>15 MR. TYE: Objection as to scope. 14:08:23</p> <p>16 Object to the form of that question. 14:08:26</p> <p>17 A. I think that's speculative, as 14:08:28</p> <p>18 we would have to resolve what to do if that 14:08:30</p> <p>19 were to actually occur. 14:08:33</p> <p>20 Q. Okay. 14:08:34</p> <p>21 Has FEMA undertaken any analysis 14:08:34</p> <p>22 to determine the extent of insurance 14:08:36</p> <p>23 recoveries that are available in this case? 14:08:39</p> <p>24 MR. TYE: United States objects 14:08:42</p> <p>25 to that question as beyond the scope 14:08:42</p>	<p>1 of the 30(b)(6) notice. 14:09:40</p> <p>2 The witness can answer as to his 14:09:41</p> <p>3 personal knowledge for that issue, but 14:09:43</p> <p>4 his testimony is not in his 30(b)(6) 14:09:44</p> <p>5 capacity on behalf of FEMA. 14:09:48</p> <p>6 Separately, we would object to 14:09:50</p> <p>7 the form of that question. 14:09:52</p> <p>8 A. Again, that would be impossible 14:09:57</p> <p>9 to determine until project close out. 14:09:58</p> <p>10 Q. Okay. 14:10:00</p> <p>11 Does that mean that you don't 14:10:03</p> <p>12 yet know if the amount asserted by FEMA in 14:10:05</p> <p>13 this proofs of claim are accurate? 14:10:09</p> <p>14 MR. TYE: Objection, 14:10:13</p> <p>15 mischaracterizes prior testimony. 14:10:13</p> <p>16 Object to the scope of that -- or, 14:10:16</p> <p>17 excuse me, objection to the scope of 14:10:18</p> <p>18 that question. 14:10:19</p> <p>19 A. The amounts asserted in our 14:10:21</p> <p>20 claim are accurate in that those represent 14:10:23</p> <p>21 the amounts that we are fully obligated to 14:10:25</p> <p>22 assist state and local governments, 14:10:29</p> <p>23 individuals and for costs that we have 14:10:32</p> <p>24 incurred directly in providing that 14:10:34</p> <p>25 assistance. 14:10:35</p>
<p>Page 186</p> <p>1 of the 30(b)(6) notice. 14:08:44</p> <p>2 The witness can answer as to his 14:08:45</p> <p>3 personal knowledge for this issue, but 14:08:47</p> <p>4 the testimony is not in his 30(b)(6) 14:08:48</p> <p>5 capacity on behalf of FEMA. 14:08:52</p> <p>6 A. The only analysis that I am 14:08:55</p> <p>7 aware of that would have occurred would have 14:08:57</p> <p>8 been whatever the initial estimate was of 14:08:58</p> <p>9 what was deducted from the initial project 14:09:00</p> <p>10 amounts. 14:09:02</p> <p>11 Q. So as FEMA's Rule 30(b)(6) 14:09:02</p> <p>12 designee, can you tell me if FEMA's claims 14:09:09</p> <p>13 against PG&E are net of available insurance 14:09:12</p> <p>14 recoveries? 14:09:14</p> <p>15 MR. TYE: Object to the form. 14:09:17</p> <p>16 A. I also don't understand the 14:09:20</p> <p>17 question so just would need you to restate 14:09:22</p> <p>18 it. 14:09:24</p> <p>19 Q. Is it possible that FEMA's 14:09:24</p> <p>20 claims against PG&E are actually less than 14:09:26</p> <p>21 the amount asserted in the proofs of claim 14:09:28</p> <p>22 because amounts could be recovered from 14:09:31</p> <p>23 insurance companies? 14:09:33</p> <p>24 MR. TYE: United States objects 14:09:37</p> <p>25 to that question as beyond the scope 14:09:38</p>	<p>Page 188</p> <p>1 Q. You said "fully obligated." 14:10:36</p> <p>2 What does that mean? 14:10:38</p> <p>3 A. An obligation is when the 14:10:40</p> <p>4 federal government makes money available for 14:10:41</p> <p>5 expenditure. So in the context of public 14:10:47</p> <p>6 assistance, we provide grants to state and 14:10:50</p> <p>7 local government. And so when the project 14:10:55</p> <p>8 is fully approved, we will obligate the 14:10:57</p> <p>9 money, which makes the moneys available for 14:11:02</p> <p>10 those entities to then draw down to 14:11:04</p> <p>11 reimburse their expenses. 14:11:06</p> <p>12 Q. What if the money isn't drawn 14:11:07</p> <p>13 down? 14:11:09</p> <p>14 A. If the money is not drawn down, 14:11:10</p> <p>15 well -- 14:11:13</p> <p>16 MR. TYE: Wait. Before you -- 14:11:14</p> <p>17 Objection as to the scope of 14:11:15</p> <p>18 that question. 14:11:17</p> <p>19 Go ahead. 14:11:18</p> <p>20 THE WITNESS: All right. 14:11:19</p> <p>21 A. So on the -- so let's look at 14:11:23</p> <p>22 public assistance. On the public assistance 14:11:24</p> <p>23 side all projects have to be closed out. 14:11:26</p> <p>24 So at project closeout of there 14:11:29</p> <p>25 additional funding that was not drawn down, 14:11:32</p>

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<p>1 then that amount would be what we call 14:11:34 2 "de-obligated," which is basically returned 14:11:38 3 back to FEMA. 14:11:39</p> <p>4 Q. So there are future events that 14:11:40 5 could occur that would result in some 14:11:42 6 portion of the 3.9 billion that FEMA has 14:11:45 7 obligated coming back to FEMA because it's 14:11:51 8 not utilized by the states? 14:11:53</p> <p>9 MR. TYE: Objection, 14:11:55 10 mischaracterizes prior testimony. 14:11:55</p> <p>11 Objection to the scope of that 14:11:56 12 question. 14:11:58</p> <p>13 A. I think the best example would 14:12:01 14 be the Camp Fire, which I think we've made 14:12:02 15 very clear that the vast majority of our 14:12:05 16 Camp Fire claim is based on the best 14:12:09 17 available estimates that were available at 14:12:11 18 the time of our proof of claim. Most of 14:12:14 19 those costs have not been -- were not 14:12:18 20 obligated at the time of the proof of claim 14:12:21 21 and were reflective of our best available 14:12:26 22 estimates. So, yes, it's possible that the 14:12:29 23 final amount of assistance would be less 14:12:32 24 than that represented in the proof of claim. 14:12:33</p> <p>25 Q. Right. 14:12:35</p>	<p>1 Q. Sure. Yeah. I'm happy to 14:13:30 2 repeat again. Any time you hear a question 14:13:32 3 and there's an objection, it would make 14:13:35 4 sense to mow that you would want it repeated 14:13:37 5 in some instances. So I'll repeat it again. 14:13:39 6 Has FEMA threatened to go after 14:13:41 7 homeowners if it cannot recover from PG&E? 14:13:44</p> <p>8 MR. TYE: Objection as to scope 14:13:48 9 of that question. Objection to the 14:13:49 10 form of that question. 14:13:51</p> <p>11 A. Again, we do not threaten 14:13:55 12 homeowners. I think FEMA has made an effort 14:13:56 13 to try to ensure that we avoid any 14:13:58 14 duplication of benefits and any -- to 14:14:05 15 recover anything individuals may receive 14:14:10 16 from PG&E. And so that has been our primary 14:14:12 17 concern and focus. 14:14:15</p> <p>18 Q. Would a homeowner that signed 14:14:17 19 this Right of Entry Form be at risk of 14:14:21 20 attempts by FEMA or any other agency to 14:14:28 21 recover for debris removal costs? 14:14:33</p> <p>22 MR. TYE: Objection as to scope 14:14:36 23 of that question. Also object to the 14:14:37 24 form of that question. 14:14:39</p> <p>25 A. FEMA would not recover any costs 14:14:43</p>
<p>Page 190</p> <p>1 There are certainly 14:12:36 2 contingencies that may or may not 14:12:37 3 materialize that could affect the amount of 14:12:39 4 the claim ultimately; correct? 14:12:41</p> <p>5 A. Yes, there's many different 14:12:43 6 reasons why that could occur. 14:12:45</p> <p>7 Q. Thank you. 14:12:46</p> <p>8 Has FEMA threatened to go after 14:12:50 9 homeowners if it cannot recover from PG&E? 14:12:52</p> <p>10 MR. TYE: Object to the form of 14:12:55 11 that question. And also the United 14:12:56 12 States objects to that question as 14:12:57 13 beyond the scope of the 30(b)(6) 14:12:58 14 notice. 14:13:00</p> <p>15 The witness can answer as to his 14:13:00 16 personal knowledge of this issue, but 14:13:03 17 his testimony is not in his 30(b)(6) 14:13:04 18 capacity on behalf of FEMA. 14:13:06</p> <p>19 A. FEMA's number one priority is 14:13:08 20 helping and supporting our disaster 14:13:13 21 survivors. So we would not threaten anyone. 14:13:15</p> <p>22 And I would like the rest of the 14:13:24 23 question repeated because that -- just to 14:13:25 24 understand what the rest of the question 14:13:29 25 was. 14:13:30</p>	<p>Page 192</p> <p>1 associated with debris removal against 14:14:45 2 individual property owners. That would all 14:14:49 3 be recovered against the State of 14:14:51 4 California, who was the recipient of that 14:14:53 5 assistance. 14:14:55</p> <p>6 Q. Does FEMA's claims against PG&E 14:15:00 7 include any amounts advanced for public 14:15:05 8 assistance? 14:15:07</p> <p>9 MR. TYE: Object to the form of 14:15:10 10 that question. 14:15:10</p> <p>11 A. Could you just clarify what you 14:15:12 12 mean by "advanced for"? 14:15:14</p> <p>13 Q. Well, we previously talked about 14:15:18 14 FEMA providing public assistance; correct? 14:15:20</p> <p>15 A. Uh-huh. 14:15:22</p> <p>16 Q. When there's a major disaster? 14:15:23</p> <p>17 A. Yes. 14:15:23</p> <p>18 Q. Right. And my understanding is 14:15:27 19 that when there is a major disaster and 14:15:29 20 public assistance is authorized, then FEMA 14:15:32 21 will advance money for that purpose; 14:15:34</p> <p>22 correct? 14:15:36</p> <p>23 MR. TYE: Object to the form. 14:15:38</p> <p>24 A. Well, again, I want to make sure 14:15:41 25 we're on the same page about when you used 14:15:44</p>

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1 the word "advance." So as I stated, we use 14:15:46
 2 the word we obligate money -- 14:15:49
 3 Q. Okay. 14:15:49
 4 A. -- which means it's made 14:15:52
 5 available for the state to then draw down as 14:15:53
 6 its expenditures are made. So if that's 14:15:56
 7 what you mean by "advance," then -- then 14:15:58
 8 perhaps I can answer your question. 14:16:01
 9 Q. All right. 14:16:03
 10 Well, let me rephrase it. 14:16:03
 11 A. Okay. 14:16:05
 12 Q. I appreciate your clarification. 14:16:05
 13 Does FEMA's claims against PG&E 14:16:06
 14 include any amounts made available for 14:16:09
 15 public assistance? 14:16:11
 16 MR. TYE: Object to the form. 14:16:14
 17 A. Okay. So the -- for the Butte 14:16:16
 18 Fire and 2017 Northern California Wildfire 14:16:24
 19 claims, those represent, on the public 14:16:30
 20 assistance side, amounts -- the federal 14:16:33
 21 share of assistance that FEMA has obligated 14:16:35
 22 for public assistance. 14:16:37
 23 I don't have the precise numbers 14:16:43
 24 in front of me, but I do know that almost 14:16:45
 25 all of that money has actually been expended 14:16:48

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1 A. Yeah, I guess I don't understand 14:17:53
 2 what you mean by "washed out at the end of 14:17:59
 3 the process." 14:18:00
 4 Q. Or finally calculated or 14:18:01
 5 determined. Does that help? 14:18:03
 6 A. Correct, yeah. 14:18:04
 7 Q. Okay. 14:18:04
 8 Has FEMA undertaken any analysis 14:18:07
 9 to determine if it has claims for 14:18:08
 10 reimbursement against any public entities? 14:18:10
 11 MR. TYE: The United States 14:18:14
 12 objects to that question as beyond the 14:18:15
 13 scope of the 30(b)(6) notice. 14:18:16
 14 The witness can answer as to his 14:18:17
 15 personal knowledge for this issue, but 14:18:19
 16 his testimony is not in his 30(b)(6) 14:18:20
 17 capacity on behalf of FEMA. 14:18:23
 18 A. Well, the typical time we may 14:18:29
 19 recover funds under public assistance is 14:18:31
 20 typically when an entity has received 14:18:33
 21 insurance proceeds for a project. I'm not 14:18:35
 22 aware of any particular projects where 14:18:38
 23 that's occurred. Because typically we 14:18:40
 24 won't -- if someone has insurance -- if a 14:18:43
 25 public entity has insurance, we typically 14:18:45

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1 and drawn down by state and local 14:16:51
 2 governments. 14:16:53
 3 On the Camp Fire claim, as I 14:16:54
 4 referenced a few questions ago, a 14:16:58
 5 substantial portion of that claim has not 14:17:01
 6 been obligated yet but represents our 14:17:02
 7 estimates of what we expect to obligate for 14:17:05
 8 that particular major disaster declaration. 14:17:09
 9 And for the ones that have 14:17:12
 10 obligated, I don't know what amount has been 14:17:13
 11 expended by state and local governments yet. 14:17:15
 12 Q. Would the amount that has been 14:17:22
 13 expended or is ultimately expended by those 14:17:23
 14 governments impact the amount of FEMA's 14:17:26
 15 claim against PG&E? 14:17:29
 16 MR. TYE: Objection as to the 14:17:31
 17 scope of that question. Also object 14:17:33
 18 to the form of that question. 14:17:35
 19 A. Yes, it could impact the final 14:17:41
 20 amounts. 14:17:43
 21 Q. Again, that would be one of the 14:17:44
 22 many contingencies that would have to 14:17:47
 23 ultimately be washed out at the end of the 14:17:49
 24 process? 14:17:51
 25 MR. TYE: Object to the form. 14:17:51

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1 have them go to insurance first and then 14:18:48
 2 provide the money after that's occurred. 14:18:50
 3 In terms of the issue of any 14:18:55
 4 funding that could potentially be recovered 14:18:56
 5 against PG&E, it's -- the issue is really 14:18:58
 6 not ripe for conclusion because no one has 14:19:03
 7 actually received any money in this 14:19:05
 8 proceedings yet. So we can't determine what 14:19:07
 9 anyone has received and whether anything 14:19:09
 10 would need to be returned back to FEMA at 14:19:12
 11 this point. 14:19:14
 12 Q. Are you aware that certain 14:19:14
 13 public entities have entered into a 1 14:19:16
 14 billion dollar settlement with PG&E? 14:19:18
 15 A. Yes, I am aware of that. 14:19:20
 16 Q. Okay. 14:19:21
 17 Does FEMA claim a right to 14:19:22
 18 recover any of that money? 14:19:23
 19 MR. TYE: United States objects 14:19:25
 20 to that question as beyond the scope 14:19:26
 21 of the 30(b)(6) notice. 14:19:28
 22 The witness can answer as to his 14:19:29
 23 personal knowledge for this issue, but 14:19:31
 24 this testimony is not in his 30(b)(6) 14:19:32
 25 capacity on behalf of FEMA. 14:19:38

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<p>1 A. We don't claim any right to 14:19:39 2 that. We would have to see what the 14:19:41 3 ultimate resolution of the bankruptcy 14:19:43 4 proceedings is before we could make any 14:19:45 5 determinations on whether any entities would 14:19:47 6 need to return any funding from FEMA. 14:19:49 7 Ultimately if our claim is 14:19:53 8 successful our goal is that no one would 14:19:55 9 have to return any funding received because 14:19:57 10 we would have pursued those costs 14:19:59 11 successfully ourselves. 14:20:03</p> <p>12 Q. If FEMA were to recover from the 14:20:04 13 public entities first, would it then seek to 14:20:06 14 recover the same dollars from PG&E? 14:20:09</p> <p>15 MR. TYE: United States objects 14:20:15 16 to that question as beyond the scope 14:20:15 17 of the 30(b)(6) witness. 14:20:17</p> <p>18 The witness can answer as to his 14:20:18 19 personal knowledge of this issue, but 14:20:20 20 his testimony is it not in his 14:20:22 21 30(b)(6) capacity on behalf of FEMA. 14:20:23</p> <p>22 Separately, we would object to 14:20:26 23 the form, form of that question. 14:20:28</p> <p>24 A. If an entity had separately 14:20:29 25 already received a recovery, we would not 14:20:31</p>	<p>1 A. I would say the only analysis 14:21:36 2 that we've really done is to look at the 14:21:37 3 amount of public assistance that has been 14:21:41 4 provided to those entities to date that was 14:21:45 5 also included in our own proof of claim. 14:21:50 6 Q. Do you know the -- strike that. 14:21:54 7 Would you agree that at this 14:21:58 8 point in time, sitting here today, the exact 14:21:59 9 amount that FEMA contends may be owed by 14:22:04 10 PG&E is not known? Correct? 14:22:11</p> <p>11 MR. TYE: Objection, 14:22:15 12 mischaracterizes prior testimony. 14:22:15</p> <p>13 A. I would agree insofar as the 14:22:20 14 Camp Fire claim, as I stated before, is 14:22:27 15 based substantially on estimates. 14:22:29</p> <p>16 The other two claims, I would 14:22:32 17 agree that the number could change slightly, 14:22:36 18 but it's very close to being an accurate 14:22:38 19 number. 14:22:44</p> <p>20 Q. Okay. 14:22:44</p> <p>21 Do you know how the amount set 14:22:45 22 forth in the proofs of claim were 14:22:50 23 calculated? 14:23:00</p> <p>24 A. Yes. 14:23:00</p> <p>25 Q. How were they calculated? 14:23:01</p>
<p>Page 198</p> <p>1 attempt to also recover those costs. But no 14:20:33 2 one is going to receive any recoveries until 14:20:37 3 the bankruptcy proceedings are resolved. 14:20:40 4 So -- 14:20:43</p> <p>5 Q. Okay. So you don't know how 14:20:44 6 much FEMA may or may not recover from any of 14:20:47 7 the public entities in this case at this 14:20:49 8 time; correct? 14:20:52</p> <p>9 MR. TYE: Same objection as to 14:20:53 10 scope. Also objection, 14:20:54 11 mischaracterizes prior testimony. 14:20:58</p> <p>12 A. Again, our goal is to avoid 14:21:00 13 having to recover any funding from any 14:21:03 14 recipient of assistance by pursuing our 14:21:08 15 claim directly, but at this time we don't 14:21:10 16 know what the final outcome will be. 14:21:13</p> <p>17 Q. Okay. 14:21:15</p> <p>18 Has FEMA undertaken any analysis 14:21:16 19 to date to determine how much the public 14:21:18 20 entities may owe FEMA? 14:21:19</p> <p>21 MR. TYE: Objection as to scope. 14:21:22 22 Also, the United States objects to 14:21:24 23 that question to the extent it asks 14:21:26 24 for material covered by deliberative 14:21:27 25 process privilege. 14:21:30</p>	<p>Page 200</p> <p>1 A. May I refer to one of the proofs 14:23:06 2 of claim just to refresh my memory? 14:23:08</p> <p>3 Q. Of course. 14:23:10</p> <p>4 [Pause.] 14:23:19</p> <p>5 A. So if I could, I would use one 14:23:29 6 of these as an example. Is that all right? 14:23:31</p> <p>7 Q. Sure. 14:23:34</p> <p>8 A. Just referring to Exhibit 4, 14:23:34 9 which is the Butte Fire claim, looking at 14:23:36 10 the cost summary chart on page 5 and 6. 14:23:38</p> <p>11 So the claims were broken down 14:23:49 12 into three main categories, Public 14:23:50 13 Assistance, Individual Assistance, and 14:23:53 14 FEMA's Administrative Costs for 14:23:57 15 administering those programs. 14:23:58</p> <p>16 We collected information on the 14:24:02 17 amount of assistance that it -- for Public 14:24:07</p> <p>18 Assistance we collected information on the 14:24:10 19 amount of assistance provided to state and 14:24:11 20 local governments. That was done by 14:24:14</p> <p>21 collecting information on all the projects 14:24:17 22 that had been obligated for assistance 14:24:20</p> <p>23 provided in Calaveras County. 14:24:27</p> <p>24 So for the county project 14:24:30</p> <p>25 worksheets, that was fairly simple because 14:24:32</p>

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<p>1 we sort local government entities by county. 14:24:34 2 So we could easily select Calaveras County. 14:24:38 3 For the state agency projects, 14:24:43 4 that was a little more challenging because 14:24:45 5 of the fact that that declaration also 14:24:47 6 included the Valley Fire. 14:24:49 7 So we reviewed each of the state 14:24:53 8 agency project worksheets, the scope of work 14:24:55 9 to determine whether it was directly related 14:25:00 10 to the Butte Fire, the Valley Fire, and 14:25:02 11 excluded the Valley Fire projects. 14:25:04 12 Some of the projects at the 14:25:06 13 state level supported both fires. So we 14:25:08 14 made a calculation of what percent to 14:25:11 15 allocate towards the Butte Fire and included 14:25:16 16 all those in the state agency projects. 14:25:18 17 Looking at the next line is 14:25:23 18 Direct Federal Assistance. FEMA provides 14:25:24 19 Direct Federal Assistance. EVRA is what we 14:25:27 20 refer to as mission assignments, which is 14:25:30 21 when we task another federal agency to 14:25:32 22 perform work or provide services. That 14:25:37 23 information was collected from our response 14:25:38 24 division, which is responsible for managing 14:25:42 25 mission assignments, and also our FEMA 14:25:44</p>	<p>1 spent on that. Again, direct housing was 14:26:52 2 provided to both the Butte and Valley Fire. 14:26:55 3 So we calc- -- we did a percentage 14:26:58 4 calculation based on how many people were 14:27:01 5 housed for that event, for that fire versus 14:27:03 6 the other fire. 14:27:05 7 Our community services programs, 14:27:07 8 those are managed out of our field office 14:27:09 9 and regional office. So we pulled that 14:27:12 10 information from those offices and included 14:27:14 11 those as well. Those are the major programs 14:27:17 12 under individual assistance. 14:27:20 13 And then in terms of 14:27:22 14 administrative costs, that information was 14:27:24 15 all pulled from our financial information 14:27:27 16 tool. And, again, because that event 14:27:28 17 covered two fires, one which was not related 14:27:30 18 to PG&E, we calculated a -- we allocated a 14:27:33 19 percentage between the two fires. 14:27:36 20 So we included all of those 14:27:41 21 costs in our claim. 14:27:43 22 The other major costs that we 14:27:46 23 incurred during a major disaster declaration 14:27:48 24 is our hazard mitigation program, which I've 14:27:50 25 referenced a couple of times. That is a 14:27:53</p>
<p>Page 202</p> <p>1 commodities, which is like commodities we 14:25:48 2 have in our warehouse for sheltering, those 14:25:50 3 kinds of things. 14:25:52 4 So those costs were all 14:25:54 5 collected from those entities. 14:25:56 6 Under our Individual Assistance, 14:25:58 7 we have our individual and households 14:26:00 8 program, which is our financial assistance, 14:26:03 9 and also our transitional sheltering 14:26:05 10 assistance program, which is where we 14:26:09 11 provide hotels for survivors to stay in in 14:26:11 12 the immediate days after an event. 14:26:13 13 That information would have been 14:26:16 14 collected from one of our national 14:26:17 15 processing centers that handle all of our 14:26:21 16 individual assistance claims. So they 14:26:23 17 provided the data on what assistance was 14:26:25 18 provided, again sorted to individuals from 14:26:28 19 Calaveras County only. 14:26:31 20 The direct temporary housing 14:26:34 21 assistance would be related to when FEMA 14:26:37 22 provides travel trailers or mobile home 14:26:39 23 units to individuals. And so information 14:26:41 24 from that was pulled from the financial 14:26:45 25 information tool report of how much was 14:26:48</p>	<p>Page 204</p> <p>1 program that is designed for future looking, 14:27:55 2 for mitigating against future hazards in 14:28:00 3 areas that haven't been damaged by an event. 14:28:03 4 And so we made a determination 14:28:06 5 that because it wasn't damage related we 14:28:07 6 would not include those costs in our claim. 14:28:09 7 Q. Okay. 14:28:14 8 The largest component of this 14:28:15 9 claim for 160 million dollars is the amount 14:28:16 10 for public assistance, which is 131 million 14:28:20 11 dollars; correct? 14:28:24 12 A. Yes. 14:28:25 13 Q. Okay. 14:28:25 14 And the public assistance amount 14:28:27 15 is the amount that we discussed earlier as 14:28:28 16 being obligated but not necessarily spent 14:28:30 17 yet; correct? 14:28:33 18 A. Yes. Well, for the Butte Fire 14:28:36 19 claim most of it has been spent but not all 14:28:37 20 of it yet. 14:28:39 21 Q. Okay. 14:28:39 22 And then for North Bay you would 14:28:40 23 have the amount that was obligated. But, 14:28:44 24 again, you wouldn't know the actual amount 14:28:46 25 that was spent yet; correct? 14:28:48</p>

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| Page 203 1 commodities, which is like commodities we 14:25:48 2 have in our warehouse for sheltering, those 14:25:50 3 kinds of things. 14:25:52 4 So those costs were all 14:25:54 5 collected from those entities. 14:25:56 6 Under our Individual Assistance, 14:25:58 7 we have our individual and households 14:26:00 8 program, which is our financial assistance, 14:26:03 9 and also our transitional sheltering 14:26:05 10 assistance program, which is where we 14:26:09 11 provide hotels for survivors to stay in in 14:26:11 12 the immediate days after an event. 14:26:13 13 That information would have been 14:26:16 14 collected from one of our national 14:26:17 15 processing centers that handle all of our 14:26:21 16 individual assistance claims. So they 14:26:23 17 provided the data on what assistance was 14:26:25 18 provided, again sorted to individuals from 14:26:28 19 Calaveras County only. 14:26:31 20 The direct temporary housing 14:26:34 21 assistance would be related to when FEMA 14:26:37 22 provides travel trailers or mobile home 14:26:39 23 units to individuals. And so information 14:26:41 24 from that was pulled from the financial 14:26:45 25 information tool report of how much was 14:26:48 |

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1 A. Correct. But, again, it is 14:28:49	1 Do you know what this is 14:30:54
2 almost all -- it's almost the same at this 14:28:51	2 referring to? 14:30:55
3 point. 14:28:53	3 MR. TYE: The United States 14:30:56
4 Q. And then for Camp, which I think 14:28:53	4 objects to that question as beyond the 14:30:56
5 is the largest claim, that number is more 14:28:55	5 scope of the 30(b)(6) notice. 14:30:58
6 unknown than it is for both Butte and North 14:29:00	6 The witness can answer as to his 14:30:59
7 Bay; correct? 14:29:05	7 personal knowledge for this issue, but 14:31:01
8 MR. TYE: Object to the form of 14:29:05	8 the testimony is not in his 30(b)(6) 14:31:02
9 the question. 14:29:05	9 capacity on behalf of FEMA. 14:31:06
10 A. That's correct. 14:29:06	10 A. Yes, I am familiar with this 14:31:10
11 Q. Okay. 14:29:06	11 issue as I worked on this disaster 14:31:10
12 Thank you. That was helpful. 14:29:07	12 declaration. 14:31:12
13 So we discussed a part of FEMA's 14:29:12	13 Q. Did you work on this part of the 14:31:15
14 claim against PG&E includes costs associated 14:29:14	14 report? 14:31:17
15 with debris removal; correct? 14:29:16	15 MR. TYE: Same objection as to 14:31:18
16 A. Correct. 14:29:20	16 scope. 14:31:19
17 Q. All right. 14:29:21	17 A. No, not for this report, this 14:31:19
18 And you testified that it was 14:29:22	18 GAO report. 14:31:24
19 roughly half of the claim was for debris 14:29:22	19 Q. Okay. 14:31:24
20 removal costs? 14:29:24	20 What were you referring to? 14:31:25
21 MR. TYE: Objection, 14:29:26	21 A. I was referring to the actual 14:31:26
22 mischaracterizes prior testimony. 14:29:26	22 issues we were working with the Army Corps 14:31:32
23 A. Right. I said before that I 14:29:32	23 on related to the debris removal. 14:31:36
24 don't know the exact percentage, but I 14:29:33	24 Q. Okay. 14:31:38
25 believe it would represent over half of our 14:29:35	25 So you're familiar with the 14:31:38

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1 claim. 14:29:38	1 issues that are referenced in this 14:31:40
2 Q. Over half. Okay. Thank you. 14:29:38	2 paragraph? 14:31:41
3 Can you go back to Exhibit 2, 14:29:41	3 A. Correct. 14:31:42
4 which is the GAO report? 14:29:43	4 Q. Okay. 14:31:42
5 Could you go to page 21? 14:29:55	5 Do you know how many properties 14:31:43
6 [Pause.] 14:29:55	6 were impacted by the over-removal of soil? 14:31:44
7 Q. Are you there? 14:30:09	7 MR. TYE: Objection to the form 14:31:49
8 A. Yes. 14:30:10	8 of that question. Also the United 14:31:50
9 Q. Okay. 14:30:10	9 States objects as to the scope of that 14:31:51
10 Looking at the paragraph at the 14:30:10	10 question. 14:31:54
11 bottom of the page, it reads: 14:30:14	11 A. I don't know how many were 14:31:55
12 "According to local officials 14:30:16	12 impacted by this particular issue. 14:31:57
13 there was some confusion over how much 14:30:17	13 Q. Okay. Does FEMA believe that it 14:31:58
14 containment soil should be removed from some 14:30:21	14 should be reimbursed for debris removal 14:32:02
15 properties, specifically in some cases, 14:30:23	15 costs if substantial damage to the property 14:32:05
16 USACE removed more soil than necessary at 14:30:25	16 was caused in the process? 14:32:07
17 home sites in an attempt to scrape the soil 14:30:28	17 MR. TYE: Objection to the form 14:32:11
18 deeply enough to remove all possible 14:30:32	18 of that question. FEMA also objects 14:32:12
19 contaminants at the site. However, this did 14:30:34	19 to the scope of that question -- or 14:32:19
20 not take into account that some contaminants 14:30:37	20 United States objects to the scope of 14:32:21
21 such as arsenic occur naturally in the soil. 14:30:40	21 that question. 14:32:23
22 As a result some property owners were left 14:30:43	22 Go ahead. 14:32:23
23 with large overexcavated pits on their 14:30:46	23 A. So the work here was still 14:32:25
24 property that needed to be filled in before 14:30:48	24 eligible work that was performed. In some 14:32:32
25 rebuilding could occur." 14:30:51	25 cases where additional work that wasn't 14:32:36

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1 needed to be performed would have been	14:32:39	1 beyond the scope of the 30(b)(6)	14:34:27
2 corrected by the -- potentially would have	14:32:41	2 deposition notice.	14:34:29
3 been corrected by the Army Corps of	14:32:47	3 A. I personally do not know.	14:34:30
4 Engineers. So I can't speak to what -- I	14:32:49	4 MR. GOODMAN: Okay. Take a	14:34:33
5 don't have direct knowledge of what costs	14:32:53	5 break?	14:34:34
6 they submitted to FEMA that were related	14:32:55	6 THE WITNESS: Sure.	14:34:36
7 specifically to this issue, but my	14:32:59	7 THE VIDEOGRAPHER: Stand by,	14:34:41
8 understanding is that they worked with their	14:33:01	8 please.	14:34:41
9 contractors to disallow many of these costs,	14:33:05	9 This marks the end of media	14:34:42
10 so FEMA never would have reimbursed those	14:33:07	10 number 3. Going off the record at	14:34:44
11 costs in the first place.	14:33:09	11 2:34 p.m.	14:34:46
12 Q. So would any component of FEMA's	14:33:10	12 [Recess at 2:34 p.m.]	14:34:48
13 claims against PG&E include those types of	14:33:12	13 [Resuming at 2:48 p.m.]	14:34:51
14 costs?	14:33:15	14 THE VIDEOGRAPHER: We're back on	14:47:50
15 MR. TYE: United States objects	14:33:16	15 the record at 2:48 p.m. This marks	14:48:05
16 to that question as beyond the scope	14:33:17	16 the beginning of media number 4 in the	14:48:07
17 of the 30(b)(6) notice.	14:33:18	17 deposition of John-Paul Henderson.	14:48:10
18 The witness can answer as to his	14:33:19	18 EXAMINATION	14:48:11
19 personal knowledge for this issue, but	14:33:21	19 BY MR. VORA:	14:48:11
20 the testimony is not in his 30(b)(6)	14:33:22	20 Q. Hi, Mr. Henderson. My name is	14:48:12
21 capacity on behalf of FEMA.	14:33:25	21 Samir Vora. I represent the Official	14:48:14
22 A. I personally can't say 100	14:33:29	22 Committee of Unsecured Creditors for PG&E.	14:48:17
23 percent for sure, but my understanding,	14:33:31	23 We met earlier this morning.	14:48:21
24 again, is that the Army Corps worked with	14:33:32	24 I just have a handful of	14:48:22
25 its contractors and did not reimburse them	14:33:34	25 questions and then hopefully we can get out	14:48:23

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1 where excessive soil was removed. And so	14:33:41	1 of here today.	14:48:25
2 those costs never would have been submitted	14:33:44	2 You're here to provide testimony	14:48:25
3 to FEMA for payment, so those costs never	14:33:45	3 on behalf of FEMA concerning the factual and	14:48:27
4 would have been included in FEMA's claim.	14:33:47	4 evidentiary basis in support -- or that	14:48:30
5 Q. So your hope would be that	14:33:50	5 support FEMA's proofs of claim; is that	14:48:33
6 they're not included but it's possible some	14:33:51	6 right?	14:48:33
7 of them could have gone into the amount?	14:33:54	7 A. Correct.	14:48:36
8 MR. TYE: Objection,	14:33:56	8 Q. And those proofs of claim relate	14:48:36
9 mischaracterizes prior testimony.	14:33:58	9 to the North Bay, Butte and Camp Fires?	14:48:38
10 Objection to the scope of that	14:34:01	10 MR. TYE: Object to form.	14:48:43
11 question. The United States objects	14:34:02	11 A. Yes, but again I would just	14:48:44
12 to that question as beyond the scope	14:34:03	12 clarify that the term "North Bay" for us	14:48:46
13 of the 30(b)(6) witness.	14:34:05	13 also includes some of our fires in Butte,	14:48:49
14 The witness can answer as to his	14:34:06	14 Yuba and Nevada Counties as well.	14:48:53
15 personal knowledge for this issue, but	14:34:08	15 Q. Thanks for that clarification.	14:48:57
16 his testimony is not in his 30(b)(6)	14:34:09	16 And I believe you said that the	14:48:58
17 capacity.	14:34:12	17 facts and evidence upon which FEMA relies in	14:49:01
18 A. I would have to go back and	14:34:13	18 connection with its proofs of claim are	14:49:04
19 review all of the Army Corps records, which	14:34:15	19 based at least in part on publicly available	14:49:06
20 I have not done. So --	14:34:18	20 CAL FIRE, CPUC and criminal investigation	14:49:10
21 Q. You just don't know?	14:34:20	21 reports; is that right?	14:49:14
22 A. I personally --	14:34:21	22 MR. TYE: Object to the form.	14:49:18
23 MR. TYE: Objection,	14:34:22	23 A. Well, just in terms of the	14:49:20
24 mischaracterizes prior testimony.	14:34:22	24 criminal -- I don't know if that's the	14:49:21
25 Objection, argumentative. Objection,	14:34:24	25 accurate term but --	14:49:22

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1 Q. I was referring to the 14:49:24	1 A. I don't believe that was the 14:51:41
2 proceedings before Judge Alsup. 14:49:25	2 purpose of any of those specific reports or 14:51:42
3 A. Yes, that would be correct. And 14:49:27	3 other documents. So they would not have 14:51:45
4 then we would also have any additional 14:49:28	4 drawn such a conclusion. 14:51:47
5 evidence that may be developed in the course 14:49:30	5 Q. Right. 14:51:50
6 of the litigation. 14:49:32	6 So they don't draw that 14:51:50
7 Q. Sure. 14:49:33	7 conclusion? 14:51:51
8 And so, as you sit here today, 14:49:35	8 MR. TYE: Objection, 14:51:51
9 are you aware of any materials, those 14:49:37	9 mischaracterizes prior testimony. 14:51:52
10 materials, upon which FEMA relies to support 14:49:41	10 A. Again, their intent was -- their 14:51:54
11 its claims that explicitly conclude that 14:49:44	11 purpose is to document other things such as 14:51:56
12 PG&E intentionally caused the wildfires? 14:49:49	12 safety violations by PG&E. So they wouldn't 14:51:58
13 MR. TYE: Object to the form. 14:49:52	13 draw such conclusions. 14:52:01
14 A. So, again, FEMA's allegation 14:49:55	14 Q. Okay. Okay. 14:52:02
15 relates to intentional omissions created 14:49:57	15 And so those conclusions were 14:52:09
16 by -- intentional omissions by PG&E. And so 14:49:59	16 drawn by FEMA based on that, those facts and 14:52:11
17 our position is that those reports provide 14:50:03	17 evidences, evidence contained within those 14:52:13
18 evidence of, again, knowledge that PG&E was 14:50:06	18 materials? 14:52:16
19 aware of safety issues in violations of 14:50:12	19 MR. TYE: Object to the form. 14:52:17
20 state law and yet failed to address those. 14:50:14	20 A. Again, FEMA reviewed those 14:52:22
21 Q. Right. 14:50:16	21 materials and that was the conclusion that 14:52:24
22 I understand that it's your 14:50:17	22 the agency reached in making its decision to 14:52:28
23 position that taking a look at those 14:50:19	23 file its proof of claim in the bankruptcy. 14:52:30
24 materials, FEMA has concluded that there are 14:50:22	24 Q. Okay. 14:52:32
25 intentional omissions by PG&E that are 14:50:26	25 And you testified that FEMA did 14:52:33

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1 relevant to FEMA's claims, but I'm asking a 14:50:29	1 not -- I believe you testified earlier today 14:52:35
2 slightly different question. 14:50:33	2 that FEMA didn't independently verify the 14:52:37
3 And that is, as you sit here 14:50:35	3 facts in evidence of the CAL FIRE reports 14:52:40
4 today, of those materials upon which FEMA 14:50:37	4 for the CPUC materials it relied upon in 14:52:43
5 relies to support its claims, are there any 14:50:39	5 connection with the proofs of claim; is that 14:52:46
6 that explicitly within those materials 14:50:43	6 correct? 14:52:49
7 conclude that PG&E intentionally caused the 14:50:47	7 MR. TYE: Object to the form. 14:52:49
8 wildfires? 14:50:51	8 A. Yes, we were relying on the 14:52:52
9 MR. TYE: Objection, asked and 14:50:52	9 reports on their face and have not done any 14:52:53
10 answered. Object to the form. 14:50:53	10 separate independent verification or review. 14:52:55
11 A. I don't believe any individual 14:51:02	11 Q. And you just -- you just 14:52:58
12 one has that conclusion, but looking at the 14:51:06	12 anticipated my next question. Is it fair to 14:52:59
13 evidence as a whole, we believe that there 14:51:08	13 say that FEMA accepted the assertions and 14:53:01
14 is sufficient evidence. 14:51:11	14 conclusions in those reports at face value? 14:53:04
15 Q. Right. 14:51:13	15 A. Yes. 14:53:04
16 So as you look at the evidence, 14:51:14	16 Q. And are you aware of any 14:53:08
17 "you" being FEMA, you conclude that there 14:51:16	17 criticisms of the CAL FIRE or CPUC reports 14:53:11
18 are intentional omissions that are relevant 14:51:18	18 or investigations? 14:53:16
19 for purposes of your claim. But to be 14:51:19	19 MR. TYE: United States objects 14:53:18
20 clear, the materials upon which FEMA bases 14:51:21	20 to that question as beyond the scope 14:53:18
21 its proofs of claim, those materials 14:51:25	21 of the 30(b)(6) notice. 14:53:19
22 themselves do not explicitly conclude that 14:51:27	22 The witness can answer as to his 14:53:20
23 PG&E intentionally caused the wildfires? 14:51:32	23 personal knowledge for this issue, but 14:53:22
24 MR. TYE: Object to the form. 14:51:36	24 the testimony is not in his 30(b)(6) 14:53:24
25 Also objection, asked and answered. 14:51:37	25 capacity on behalf of FEMA. 14:53:26

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<p>1 A. I'm not personally aware of any 14:53:30 2 particular criticism of those reports. 14:53:32 3 Q. Okay. 14:53:34 4 So naturally you didn't 14:53:35 5 investigation any such criticisms to the 14:53:36 6 extent that any -- any exist? 14:53:39 7 MR. TYE: Objection, 14:53:42 8 mischaracterizes prior testimony. 14:53:43 9 Also object to the scope of that 14:53:45 10 question. 14:53:46 11 A. I'm not aware of any criticism 14:53:48 12 of those reports, so we would not have 14:53:50 13 looked into that. 14:53:51 14 Q. Okay. 14:53:52 15 And then I think you testified 14:53:56 16 that this is the first time that FEMA has 14:53:57 17 ever invoked 317 to recover costs against a 14:54:00 18 third party. Is that correct? 14:54:04 19 MR. TYE: Objection, 14:54:07 20 mischaracterizes prior testimony. 14:54:08 21 BY MR. VORA: 14:54:11 22 Q. Have I mischaracterized your 14:54:11 23 prior testimony? 14:54:12 24 A. I would have to go back and look 14:54:13 25 at my prior testimony. But -- 14:54:16</p>	<p>1 Q. Correct? 14:55:07 2 A. Correct, we have not brought a 14:55:07 3 317. We have not tried to recover costs 14:55:10 4 under section 317 before. 14:55:13 5 Q. Is there something unique about 14:55:17 6 this particular matter that has led FEMA to 14:55:19 7 seek to recover costs under section 317? 14:55:25 8 MR. TYE: Object to the form. 14:55:28 9 A. I think the unique thing in, in 14:55:33 10 these particular disasters, is that there is 14:55:35 11 a clear responsible party, and the evidence 14:55:37 12 supports a finding that intentional -- 14:55:42 13 intentional omissions by that party resulted 14:55:46 14 in the wildfires for which we provided 14:55:48 15 assistance. 14:55:51 16 I think, as I stated to one of 14:55:54 17 the previous questions, we're used to 14:55:56 18 naturally occurring events, not those caused 14:56:00 19 by another party. 14:56:02 20 Q. Are you aware of instances in 14:56:09 21 which FEMA has provided disaster assistance 14:56:11 22 in which there could be a -- or in which 14:56:14 23 there was a potentially responsible party? 14:56:16 24 MR. TYE: Object to the form of 14:56:22 25 the question. United States also 14:56:23</p>
<p>Page 218</p>	<p>Page 220</p>

<p>1 MR. TYE: Can you go ahead 14:54:21 2 restate the question? 14:54:21 3 MR. VORA: Yeah. Yeah, no 14:54:23 4 problem. 14:54:24 5 MR. TYE: Yeah. 14:54:24 6 BY MR. VORA: 14:54:24 7 Q. I think you testified that this 14:54:25 8 is the first time that FEMA has invoked 317 14:54:26 9 to recover costs against a third party. Is 14:54:29 10 that correct? 14:54:29 11 A. So I think I previously 14:54:35 12 testified that based on our review of agency 14:54:36 13 records and speaking with agency employees 14:54:39 14 with historical knowledge, we're not aware 14:54:41 15 of any other prior incidents of FEMA 14:54:43 16 bringing a cause of action under section 14:54:46 17 317. 14:54:49 18 Q. Okay. 14:54:49 19 So as FEMA's 30(b)(6) designee 14:54:50 20 here providing testimony on behalf of FEMA, 14:54:54 21 you're not aware of FEMA previously bringing 14:54:56 22 a caution against a third party under 14:54:59 23 section 317; correct? 14:55:03 24 MR. TYE: Object to the form. 14:55:06 25 BY MR. VORA: 14:55:07</p>	<p>1 objects to that question as beyond the 14:56:24 2 scope of the 30(b)(6) notice. 14:56:26 3 The witness can answer as to his 14:56:27 4 personal knowledge for this issue, but 14:56:29 5 his testimony is not in his 30(b)(6) 14:56:31 6 capacity on behalf of FEMA. 14:56:33 7 A. I can think of a few instances, 14:56:36 8 but I'm not familiar enough with the facts 14:56:39 9 to really discuss them in detail. The 14:56:41 10 obvious one would be FEMA's response to the 14:56:45 11 September 11th terrorist attacks. 14:56:48 12 Q. Any other ones? 14:56:52 13 MR. TYE: Again, same objection 14:56:55 14 as to scope. The United States 14:56:56 15 objects to the question as beyond the 14:56:57 16 scope of the 30(b)(6) notice. 14:56:58 17 The witness can answer as to his 14:57:00 18 personal knowledge for this issue, but 14:57:01 19 the testimony is not in his 30(b)(6) 14:57:03 20 capacity on behalf of FEMA. 14:57:05 21 A. Oklahoma City bombing, 1995. 14:57:08 22 [Pause.] 14:57:50 23 A. I'm trying to think -- 14:57:51 24 Q. Sure. Take your time. 14:57:52 25 [Pause.] 14:57:53</p>
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<p>1 A. Could you just also repeat the 14:57:58 2 question to kind of refresh my memory -- 14:57:59 3 Q. Yeah. 14:58:01 4 A. -- of what I'm thinking about? 14:58:02 5 Q. The question was are there other 14:58:08 6 instances that you can think of in which 14:58:11 7 FEMA provided disaster relief and where 14:58:13 8 there was a potentially responsible party? 14:58:18 9 MR. TYE: We -- United States 14:58:22 10 reasserts its objection as to the 14:58:24 11 scope of that question. Also object 14:58:25 12 to that question as it calls for 14:58:28 13 speculation. 14:58:29 14 A. Yeah, so just based on personal 14:58:36 15 knowledge, I know there was a Texas chemical 14:58:39 16 plant explosion that received an emergency 14:58:47 17 declaration, but I don't know the details. 14:58:49 18 [Pause.] 14:58:49 19 A. There was a chemical spill. I 14:59:02 20 don't know the details though. 14:59:06 21 Q. Do you know where that was? 14:59:10 22 A. I think it was West Virginia. 14:59:11 23 Those are just a few examples 14:59:22 24 that I can think of. 14:59:24 25 Q. Sure. 14:59:24</p>	Page 222	<p>1 This concludes today's 15:00:12 2 deposition of John-Paul Henderson. 15:00:13 3 Total number of media used is four. 15:00:17 4 Going off the record at 3 o'clock p.m. 15:00:19 5 [Deposition conclude at 3 15:00:21 6 o'clock p.m.] 15:02:01 7 [Deposition Exhibits 1 through 15:02:02 8 20 marked for identification and 15:02:06 9 attached to the original deposition 15:02:08 transcript.] 15:02:09 [Signature reserved.] 15:02:23</p>
<p>1 A. But, again, I'm not familiar 14:59:25 2 with any of the details of the background of 14:59:26 3 those. 14:59:28 4 Q. Understood, and I appreciate it. 14:59:28 5 A. I mean, I know September 11th 14:59:29 6 but -- 14:59:32 7 MR. VORA: Right. And I don't 14:59:33 8 have any further questions for you. 14:59:36 9 THE WITNESS: Okay. 14:59:36 10 MR. GOODMAN: Nor do I. 14:59:36 11 MR. TYE: I don't have any 14:59:39 12 questions. 14:59:40 13 THE VIDEOGRAPHER: Counsel? 14:59:40 14 [Pause.] 14:59:40 15 THE VIDEOGRAPHER: Anyone on the 14:59:44 16 phone have questions, counsel? 14:59:45 17 MR. HEYN: This is Matt Heyn. 14:59:49 18 No questions. 14:59:51 19 MS. SHEETS: Victoria Sheets, no 14:59:51 20 questions. 14:59:57 21 MS. GINTY: Danielle Ginty, I 15:00:04 22 don't have any questions. 15:00:07 23 MS. GENTEL: Sophia Gentel, no 15:00:08 24 questions. 15:00:10 25 THE VIDEOGRAPHER: Thank you. 15:00:11</p>	Page 223	<p>1 ***** 2 C E R T I F I C A T E 3 ***** 4 5 I, PAUL J. FREDERICKSON, 6 California Certified Shorthand 7 Reporter No. 13164, do hereby certify: 8 That prior to being examined, 9 the witness named in the foregoing 10 deposition was by me duly sworn or 11 affirmed to testify to the truth, the 12 whole truth and nothing but the truth; 13 That said deposition was taken 14 down by me in shorthand at the time 15 and place therein named, and 16 thereafter reduced to print by means 17 of computer-aided transcription; and 18 the same is a true, correct and 19 complete transcript of said 20 proceedings. 21 I further certify that I am not 22 interested in the outcome of the 23 action. 24 Witness my hand this 12th day of 25 February 2020. Page 225</p>

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7 PAUL J. FREDERICKSON, CSR
8 CA CSR 13164
9 Expiration date: January 31, 2021
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1 *****
2 WITNESS SIGNATURE
3 *****
4
5
6 I, JOHN-PAUL HENDERSON, do hereby
7 declare under penalty of perjury that I
8 have read the foregoing transcript of my
9 deposition; that I have made such
10 corrections as noted herein, in ink,
11 initialed by me, or attached hereto; that
12 my testimony as contained herein, as
13 corrected, is true and correct.
14

15 EXECUTED this ____ day
16 of _____, 2020,
17 at _____ (City),
18 _____ (State).
19
20
21
22
23
24

25 JOHN-PAUL HENDERSON

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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